

War and Peace

in Ancient and Medieval History

Edited by
Philip de Souza and
John France



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War and Peace in Ancient and Medieval History

This is a major new study of the ideas and practices involved in the making and breaking of peace treaties and truces from Classical Greece to the time of the Crusades. Leading specialists on war and peace in ancient and medieval history examine the creation of peace agreements, and explore the extent to which their terms could be manipulated to serve the interests of one side at the other's expense. The chapters discuss a wide range of uses to which treaties and other peace agreements were put by rulers and military commanders in pursuit of both individual and collective political aims. The book also considers the wider implications of these issues for our understanding of the nature of war and peace in the ancient and medieval periods. This broad-ranging account includes chapters on ancient Persia, the Roman and Byzantine Empires, Anglo-Saxon England and the vikings.

Philip de Souza is Lecturer in Classics at University College Dublin. He is the author of several books on ancient history, including *Piracy in the Graeco-Roman World* (1999), *The Peloponnesian War 431–404 BC* (2002) and *The Greek and Persian Wars 499–386 BC* (2003).

John France is Professor of History at Swansea University. His many publications on medieval history include *Victory in the East: A Military History of the First Crusade* (1994) and *Western Warfare in the Age of the Crusades 1000–1300* (1999).

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Note on abbreviations

Citations of Classical texts, including inscriptions, are given in their conventional, abbreviated form, corresponding to the list found at the start of the third edition of *The Oxford Classical Dictionary*, ed. S. Hornblower and A. Spawforth, Oxford, 1996. Citations from standard collections of medieval texts are also given in an abbreviated form, corresponding to the list found at the start of the third edition of *The Oxford Dictionary of the Christian Church*, ed. F. L. Cross and E. A. Livingston, Oxford, 1997.

I Introduction

Philip de Souza and John France

War and peace are familiar terms to historians, yet in Antiquity and the High Middle Ages they conveyed a variety of meanings. The ten new essays in this book examine the processes of the making and breaking of peace treaties and truces, challenging many traditional assumptions. They discuss how far political conventions and legalities mattered in agreements that were based not so much on trust as on recognition of the practical limits of military and political power, and they show how conventions and solemn agreements were frequently reinterpreted and manipulated for political ends. We begin with four chapters that span a period of a thousand years from Classical Greece to Imperial Rome.

In the first of these chapters, P. J. Rhodes analyses a series of important peace treaties from the Greek world of the fifth and fourth centuries BC, examining how far the specific terms of an agreement really mattered to the different parties, and what it took to break a treaty. He does not feel that the Classical Greek states were consciously deceitful in their dealings with each other, but argues that during the fourth century BC they tended to insert ambiguous clauses into their treaties, which they would be able to interpret to their own advantage.

Eduard Rung's chapter considers how international relations were conducted between the Greek states and their powerful eastern neighbour, the Achaemenid Persian Empire. He traces the evolution of a diplomatic system between Persia and the Greeks after the failed Persian invasions of the early fifth century BC, arguing that it was the fruits of numerous diplomatic missions, negotiations and a variety of treaties, rather than open warfare, that were principally responsible for maintaining the balance of power in the Eastern Mediterranean up to the time of Alexander the Great.

Moving into the Western Mediterranean, John Rich's chapter takes a fresh look at the part played by treaties of alliance in the Roman conquest of Italy. He boldly challenges one of the most widely held assumptions about the history of the Roman Republic, namely that Rome's Italian allies were all bound to her by treaties. Reviving and

further developing a view propounded by the great Danish historian Niebuhr, he shows how weak the foundations of the orthodox view are, and demonstrates that many of the allied communities may instead have been bound to the Romans through the institution of *deditio*, or surrender. Although this was followed by restitution of their liberty and laws, they remained formally in the Romans' power and were thus required to meet regular demands for the troops with which Rome increasingly fought her wars. As he explains in his chapter, this hypothesis has far-reaching implications for our understanding of how the Romans conquered and controlled their empire.

Philip de Souza's chapter discusses the views that emerged in the first four centuries of the Roman Empire concerning the role of the emperor as a maker of both war and peace. Through analysis of the works of some of the best-known Latin writers, he examines the changing expectations of the aristocratic elite of the Roman world and shows how successive emperors from Augustus to Constantine strove to maintain a balance between the traditional role of the successful war leader and the complex responsibilities of the peacemaker.

In the first of three chapters focused on the Late Roman and Byzantine periods, Doug Lee examines the practical and political aspects of treaty-making in Late Antiquity, comparing Rome's dealings with the peoples of Northern and Central Europe and the Sasanid Persian Empire. He shows that while the mechanics of treaty-making with Persia had important distinctive characteristics, notably the use of written treaties and the emperor never negotiating directly with the shah, nevertheless the broader process of negotiating the content of treaties shared significant features with Roman dealings with other neighbours, particularly the role of ceremonial and gift-giving. He argues that this shows how adaptable and pragmatic Roman diplomacy could be in Late Antiquity.

Michael Whitby follows this with a discussion that highlights the extent to which trust and good faith were important in diplomatic relations in this period. Adopting a similar comparative approach to Lee, he finds little evidence for respect or trust in Roman dealings with their European, 'barbarian' neighbours. By contrast, he shows how Rome and Persia respected each other as established empires, and so evolved more regular diplomatic procedures to conduct international relations between political equals.

Catherine Holmes examines how the Byzantine Empire conducted negotiations with local populations and potentates in areas formerly under Muslim control in the later tenth and early eleventh centuries. She develops the idea that Byzantine governance of the frontier proceeded by

the very gradual tightening of a tribute-based system and compares this with other parts of the medieval Mediterranean world where, from the eleventh century onwards, Christian forces began to expand into territories that had previously been under Muslim rule.

The three remaining chapters on medieval peacemaking concern the period from the ninth to the twelfth centuries, and they cover rather different levels of peacemaking in very different parts of the medieval world. John France is concerned with what might be termed the 'operational level' of peacemaking in the field of crusading. Attacks on castles and fortified cities dominated medieval warfare, but presented formidable problems for both attackers and defenders. The besieger had to recognise that storming a strongly held fortification demanded a high price in blood or the uncertainties of a long blockade, or both. The defender had to assess the determination of the attackers and the likelihood of relief arriving before the morale and the food stocks of his garrison plummeted to unsustainable levels. As a result of these hard military necessities which pressed on both sides a series of conventions grew up governing relations between besieger and besieged, based on the notion that the earlier a surrender is given, the better the terms. It is widely believed that crusading introduced a new ferocity into warfare which overwhelmed such fragile understandings. But, in fact, by and large these conventions applied throughout the crusading period, though, as in western Christendom, they were often breached when feelings ran high or when it was seen to be in the interests of one of the parties.

Richard Abels explores a very much wider problem – how peace was made between a settled kingdom like Anglo-Saxon England, and those rather fluid and changing groups of raiders, the vikings. Propounded in this way, the difficulties of coming to any arrangements are seen as not merely physical but conceptual because each side has a different view of what it wants from any arrangement, and indeed of what constituted peace. As Abels says: 'for ninth-century vikings, peace (*gríð*) was merely a cessation of hostilities, a promise to refrain from harming another. Whereas English kings thought in terms of "treaties", vikings thought in terms of "truces".' But in this conceptual argument Abels does not forget that ultimately arrangements depended on the balance of power and advantage, and his analysis very sharply illuminates the problems of the Anglo-Saxon monarchy. Indeed it goes much further, because across the medieval period and beyond settled states had to come to terms with fluid bodies of raiders like the later medieval *ecorcheurs*.

Esther Pascua considers the subject of peacemaking at a yet higher level and across Europe as whole in the key period of the twelfth century. In her analysis the conclusion of treaties between kings is part of the

process of monarchical centralisation which was such a feature of twelfth-century Europe. She sets out to elucidate the way in which peace treaties contributed to it. In her analysis treaties emphasised the equality of kings and the gap between them and all others involved in the business of war. They also defined who owed allegiance to which king and thereby strengthened the notion that subjects, however important, were indeed subjects and inferiors in the hierarchy of power. Provisions to this effect in many agreements between monarchs directly confronted the nobility's practice of passing from one kingdom to another, from one king's service to another's.

War was an ever-present feature of the ancient and medieval worlds, but particular wars could not last for ever. The ultimate aim of war was usually peace, but peace on terms that the warring parties considered desirable, or at least acceptable. Treaties, truces and other diplomatic pacts and agreements are therefore central to an understanding of the aims of ancient and medieval warfare. The detailed terms and conditions of the agreements, and the processes by which they were negotiated, enable historians to see how key issues were articulated by the protagonists. They can tell us a great deal about how the opposing parties perceived their relative political statuses and how they understood the nature of the circumstances at the end of a conflict.

A recurring theme in this volume is the important contribution that individual treaties and truces made to long-term political developments. Specific treaties served not only to end immediate conflicts, but also to determine territorial boundaries and spheres of political influence for the future, thus giving shape and substance to an emerging or evolving situation. The ways in which peace terms might be tested, strained to breaking point and re-negotiated or replaced by new agreements are important indicators of how changes in relative power were realised.

Several of the chapters emphasise the pragmatic nature of ancient and medieval diplomacy. Although the cultures under consideration traditionally had very persistent ideas about the distinctions between enemies and friends, this did not mean that their attitudes were set in stone. Mistrust of and hostility towards the 'barbarian' Persians has been shown to be a defining feature of classical Graeco-Roman culture by recent scholarship, but for those who were faced with the military and political realities of war and peace it was necessary to adapt to changing circumstances. Similarly, throughout Late Antiquity and the medieval period it was vital for both Christian rulers and their pagan or Muslim counterparts not to allow inflexible concepts of long-standing enmity to undermine their practical efforts at peacemaking. In this respect, as in

many others, ancient and medieval notions of war and peace bear a strong resemblance to those of modern times.

These chapters offer much food for thought, not just to readers interested in one or more particular periods, but to everyone who is concerned about the history, theory and practice of international relations.

2 Making and breaking treaties in the Greek world¹

P. J. Rhodes

In this book we are concerned with various aspects of the making and breaking of peace treaties. I concentrate here on various kinds of ambiguity with regard to treaties in the Greek world – concerning the extent to which the participants could choose to decide what actions counted as a breach of a treaty, and whether the breach was so blatant that the treaty could then be considered to be at an end; and concerning the use, whether innocent or deliberate, of ambiguous language that required interpretation in particular cases, where a state in a strong position might try to impose an interpretation that other states might consider unjustified.

I begin with a striking instance of Athens' deciding that an ally had broken his treaty with Athens, declaring that treaty to be at an end, and instead making an alliance with his opponent. In the 360s Athens was allied to Alexander, the tyrant of Pherae in south-eastern Thessaly, while Thebes supported the Thessalian *koinon*, i.e. the league of Thessalians opposed to Alexander. However, at the end of the 360s Alexander was defeated by Thebes, and, restricted on the mainland, turned to naval action against Athens. In 361/0 Athens reacted by making an alliance for all time with the *koinon*, and we have the text that was inscribed on stone in Athens. Two clauses in the treaty read:

It shall not be permitted to put an end to the war against Alexander, either to the Thessalians without the Athenians or to the Athenians without the *archon* and *koinon* of the Thessalians.

¹ I hope this chapter will interest both specialists and non-specialists. It is revised from my David Lewis Lecture given in Oxford on 31 May 2000 and repeated at Cologne, Göttingen, Heidelberg, Royal Holloway and Tübingen; a shorter version was read to the Panel on Treaties and Truces in Ancient and Mediaeval History in the Anglo-American Conference of Historians on 5 July 2000. My thanks to those who invited me to speak on those occasions, and to all who have discussed the subject with me. In addition to those collections of inscriptions for which abbreviations are listed in *OCD*, 3rd edn, I cite as Rhodes & Osborne P. J. Rhodes and R. Osborne, *Greek Historical Inscriptions, 404–323 B.C.* (Oxford, 2003): this contains both Greek texts and English translations.

The *stele* for Alexander concerning the alliance shall be demolished by the treasurers of the Goddess.

Although this alliance with the *koinon* was said to be for all time, it lasted less than ten years: by the late 350s Athens and Pherae were both supporting the Phocians in the Third Sacred War for the control of Delphi, while the *koinon* was opposed to the Phocians. Presumably ‘the *stele* for Alexander’ was indeed demolished – certainly no trace of it has been found – but when Athens was led to support Pherae and oppose the *koinon* once more it did not occur to anybody to demolish this *stele* or to erase passages on it, and it survives, complete though badly worn.² We do not know whether this alliance between Athens and the *koinon* was formally ended, by either side, or was simply allowed to lapse. D. M. Lewis used to insist that epigraphy is not a subject: what we should be engaged in is using all the available evidence to study and interpret the ancient world, and inscriptions simply form part of that evidence.³ My chapter, accordingly, will not be about inscriptions but, as in this introduction, will use inscriptions as part of its evidence.

Thirty Years’ Peace between Athenians and Peloponnesians	446/5
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Beginning of Athens’ attack on Potidaea	432
Outbreak of Peloponnesian War	431
Year’s truce between Athenians and Peloponnesians	423
Peace of Nicias, and alliance between Athens and Sparta	421
Athenians fail to prevent Spartan naval expedition	419/18
Battle of Mantinea, in which Athenians fight against Spartans	418
Beginning of Athens’ great Sicilian expedition	415
Athenian ships raid Spartan territory	414
Spartans establish fort at Decelea in Attica	413

The Peloponnesian War

To see some of the problems which can arise with treaties, I turn back to the time of the Peloponnesian War, in the late fifth century. In 433 Corcyra, involved in a war against Sparta’s ally Corinth, asked Athens for an alliance, claiming that, since it had not been listed as an ally of either side in the Thirty Years’ Peace of 446/5 (which had recognised the

² *IG* ii² 116 = Rhodes & Osborne 44: passages quoted 31–4 and 39–40; alliance with *koinon* for all time 11–12.

³ Esp. D. M. Lewis, ‘The Testimony of Stones’, *Listener* (20 August 1959), 281, 284; Lewis, ‘Boeckh, *Staatshaushaltung der Athener*, 1817–1967’, in *Acta of the Fifth Epigraphic Congress, 1967* (Oxford, 1971), 35–9 = his *Selected Papers in Greek and Near Eastern History* (Cambridge, 1997), 1–6.

division of the Greek world into an Athenian bloc and a Spartan bloc), Athens could grant this without breaking the peace. Corinth argued against. Athens finally decided to make not a full alliance with Corcyra – because (Thucydides says) if it did that and Corcyra called on it to attack Corinth it would be in breach of the peace – but simply a defensive alliance.⁴ Athens sent ships to support Corcyra, and these ships did end up fighting against the Corinthians. After the battle the Corinthians wanted to withdraw, but ‘were afraid that the Athenians might think that the treaty was at an end and not allow them to leave’.⁵ They claimed that the Athenians were in breach of the peace; the Athenians denied it, and in accordance with their interpretation of their defensive alliance with Corcyra the Athenians did not interfere when the Corinthians did withdraw.⁶

After that Athens tried to put pressure on Potidaea, a colony of Corinth but a tribute-paying member of Athens’ alliance, the Delian League – which appears to mean that in terms of the Thirty Years’ Peace Athens was within its rights in exerting that pressure. Potidaea, encouraged by Corinth, asked Sparta for support, and Sparta promised (but did not immediately keep its promise) that if Athens attacked Potidaea Sparta would invade Athens’ territory.⁷ Athens did attack Potidaea; Corinth sent a force of volunteers and mercenaries to support Potidaea;⁸ there was a battle, which the Athenians won, and after it they settled down to besiege Potidaea. Thucydides comments that as a result of this each side had a grievance against the other; ‘however, the war had not yet broken out, but they were still in a hands-off state; for the Corinthians had done these things privately’ (the last clause has two possible meanings, but we need not worry about that here).⁹

Had the Thirty Years’ Peace been broken in either of these episodes, or had it not? It is clear that the legalities mattered, and that each side was trying to keep its own hands clean while complaining that the other side had not kept its hands clean; but had either side really succeeded in keeping its hands clean? How much did it take to break a treaty? At this time Athens was accused of two other breaches, about which

⁴ Thuc. I.44.1.

⁵ Thuc. I.52.3.

⁶ Thuc. I.53.1–54.1.

⁷ Thuc. I.58.1.

⁸ Thuc. I.60.1.

⁹ Thuc. I.66: I take ‘privately’ to mean that the Corinthian support for Potidaea was not an official undertaking of the Corinthian state (e.g. Gomme in A. W. Gomme *et al.*, *A Historical Commentary on Thucydides* (Oxford, 1945–81), *ad loc.*) rather than that the Corinthians were acting independently of their allies in the Peloponnesian League (e.g. S. Hornblower, *A Commentary on Thucydides* (Oxford, 1991–), *ad loc.*, cf. A. Andrewes in Gomme *et al.*, *Historical Commentary*, on 5.30.2).

Thucydides says frustratingly little: in one case, that of Megara, I should guess that Megara was guilty of small-scale breaches of the Thirty Years' Peace and that Athens' retaliation broke the spirit of the peace but not the letter; in the other, that of Aegina, we have so little information that we cannot even guess. Thucydides thinks these accusations were less important than the fact that the Spartans were afraid of Athenian power, and could claim that they were making war on Athens in order to liberate the Greeks; Athens offered to go to arbitration, but the offer was not taken up, and it is hard to imagine who could have been acceptable to both sides as impartial arbitrators. In 431 an attempt by Sparta's ally Thebes to get control of Athens' ally Plataea misfired, and the Spartans formally embarked on the Peloponnesian War against Athens, with each side able to persuade itself that the other was in the wrong.

In the spring of 423 a year's truce was made between the two sides, which its makers hoped would lead to a more lasting settlement. Readers of Thucydides' narrative are made well aware that in the north-east this truce failed to hold, because Scione, one of the member states of the Delian League, went over to the Spartan Brasidas after the truce had been made but before the news of it arrived in the north-east. Thucydides does not emphasise that in the rest of the Greek world the truce does seem to have held, and it appears from the corrupt opening sentence of book 5 that, in spite of the continuing war in the north-east, elsewhere the prospects of peace seemed good enough for the truce to be renewed for a further five months before it finally lapsed.¹⁰

Less than a year after the truce did lapse, in spring 421, a treaty which seemed to end the war was made, the Peace of Nicias. However, it was flawed from the start, in that it ought to have included all the states which had been engaged in the war, but several of Sparta's allies, because they were not satisfied regarding the matters which concerned them most, refused to accept it. The Athenians presumably knew that when they did accept it; they did still accept it at the time, though they could reasonably have refused to do so, and to reassure them the Spartans also made an alliance with the Athenians. In the years that followed various things went wrong, and yet it suited both sides to pretend that the peace treaty and the alliance were still in force: clauses about the return of captured territory were not acted on; Sparta broke its alliance with Athens by making a separate alliance with Boeotia;¹¹ when Sparta tried to salvage its alliance with Athens, the Athenian Alcibiades saw to it that the attempt failed, and Athens in turn broke the alliance by making a separate

¹⁰ Thuc. 5.1 (where I read *διεγένοντο* with L. Canfora).

¹¹ Thuc. 5.39.2–3.

alliance with Argos and other states;¹² but still the alliance between Sparta and Athens was not renounced by either side.¹³ Campaigning followed in the Peloponnese, which could have led to a direct clash between Athenian and Spartan forces on a number of occasions, and actually did so in the battle of Mantinea, in 418. After one of the earlier episodes, in 419/18, Argos complained that the Athenians, as the dominant naval power, by not preventing the Spartans from sending an expedition by sea had committed a breach of the alliance between Athens and Argos¹⁴ – as a result of which the Athenians added a postscript to their inscribed copy of the Peace of Nicias, stating that the Spartans were in breach of the peace.¹⁵

One of the captured territories not returned in 421 was Pylos, which the Athenians had taken from the Spartans in 425. In annoyance at Sparta's failure to comply with the Peace of Nicias the Athenians refused to give it up, but later in 421 they were persuaded to withdraw from it the former subjects of Sparta whom they had installed there to raid Spartan territory.¹⁶ When Argos complained about Athens' failure to prevent the Spartans from using the sea, as well as adding a postscript to their text of the peace the Athenians were persuaded by the Argives to reinstate those men in Pylos – and in 416 the Spartans in response 'even so did not renounce the treaty and go to war against them, but proclaimed that any one on their side who wished might make raids on the Athenians'; the Corinthians did 'go to war' against the Athenians, but they had never sworn to the Peace of Nicias.¹⁷

At the end of 415, when the Athenians had embarked on a war in Sicily which was going to turn into an attack on Corinth's colony Syracuse, and the Athenian Alcibiades had arrived in Sparta as a fugitive from Athens, the Spartans sent to support Syracuse a commander and (it later appears) two ships with what was otherwise a force from Corinth and its colonies.¹⁸ At last, in 414, a squadron of Athenian ships supporting Argos made raids on Spartan territory, which they had previously refused to do, and this 'most clearly broke their treaty with the Spartans', and 'now rather gave the Spartans a most justifiable cause to defend themselves against Athens'.¹⁹ In 413 the Spartans sent a force to establish a fort at Decelea in northern Attica, and we can say that the Peace of

¹² Thuc. 5.42–7 (cf. Tod 72 = IG i³ 83).

¹³ Thuc. 5.48.1.

¹⁴ See the text of the alliance, Thuc. 5.47.5.

¹⁵ Thuc. 5.56.2–3.

¹⁶ Thuc. 5.35.4–7.

¹⁷ Thuc. 5.56.2–3, 115.2–3.

¹⁸ Thuc. 6.93.1–3, 104.1.

¹⁹ Thuc. 6.105.1–2.

Nicias was finally at an end. Thucydides comments that the Spartans had come to feel guilty for starting the original war, but they now considered themselves to be in the right, particularly because of Pylos and the raids of 414.²⁰

Before the war, both sides had tried to keep their hands clean, but that had not prevented the war from breaking out. After the Peace of Nicias, both sides got their hands dirty, but for a surprisingly long time it suited both sides to regard the peace as still being in force, and so the various breaches of the peace did not escalate into a full resumption of the war until the Athenians entered Spartan territory and the Spartans afterwards entered Athenian territory. The Greeks had no international court, and no explicitly formulated international law which such a court could have brought to bear on disputes;²¹ it was possible for disputants to appeal to arbitrators, and many treaties, including the Thirty Years' Peace, the truce of 423 and the Peace of Nicias, provided for an appeal to arbitrators,²² but one could always frustrate such an appeal by objecting to the arbitrators nominated by one's opponent, and (as I said in connection with the outbreak of the Peloponnesian War) when the Greek world was divided into an Athenian and a Spartan bloc it is hard to think of arbitrators who could have been acceptable to both sides. So to some extent a treaty meant what its participants wanted it to mean; it was broken if they chose to think so and it was not broken if they chose to think not.

We should not be too cynical: the keeping of agreements mattered, particularly when those agreements were reinforced by oaths, invoking retribution from the gods if they were broken; in the Greek world, as in our own world, those who were involved in a dispute liked to believe themselves, and liked to convince others, that they were in the right and their opponents were in the wrong. But there was a large grey area in which those who were looking for trouble could incline one way but those who were anxious to avoid trouble could incline the other. So, in the case of Corcyra, the Athenians reckoned that by making a limited

²⁰ Thuc. 7.18.1–3.

²¹ Recent work by D. J. Bederman, *International Law in Antiquity* (Cambridge, 2001) and P. A. Low, 'Normative Politics in Greek Interstate Relations, 411–322 B.C.' (PhD thesis, University of Cambridge, 2001) has stressed that in antiquity, while there was no formal apparatus of international law, there was nevertheless an understanding of what was lawful and what was not; in the discussion when I read this paper in Tübingen Prof. H. von Mangoldt stressed that in the modern world, although more of a formal apparatus exists, powerful states are all too willing to reject rulings that are unfavourable to them.

²² Thuc. 1.140.2, 4.118.8, 5.18.4. In the case of the truce of 423 and Scione the Spartans offered to go to arbitration but the Athenians refused, and Thucydides states on his own authority that the Athenians were in the right (4.122.4–6): it is again hard to think who would have been acceptable to both sides as arbitrators.

treaty and interpreting it as committing them to limited action they could avoid breaking the Thirty Years' Peace; but they did choose to intervene in a quarrel they could have kept out of, they did end up fighting against the Corinthians, the Corinthians did choose to regard that as a breach of the peace and the Spartans in turn did choose to regard that and other actions taken by Athens as breaches of the peace. The fact that episodes which could have been regarded as not breaching the peace were regarded as breaching it confirms Thucydides' judgement that Sparta was in any case inclined to war, and may suggest to us that the Athenians were inclined to war too.

In the case of the Peace of Nicias, first Sparta and afterwards Athens failed to comply with provisions of the peace, first Sparta and then Athens made new alliances by which they broke their alliance with each other, each supported its allies in the Peloponnese, and finally at Mantinea they fought directly against each other. On various occasions each complained that the other had broken the peace or the alliance, and at one point the Athenians solemnly recorded that the Spartans had broken the peace; yet neither side actually renounced the treaties. One could choose to distinguish between a breach so serious that a treaty was at an end and one which the currently innocent party could hold against the other while trying to maintain the treaty. On this occasion what constituted the last straw was the invasion of one participant's own territory by the other participant; but it would be wrong to generalise and to elevate that to a principle of Greek international law.

The Common Peace²³

Another set of problems concerns the 'common peace' treaties of the fourth century, of which the first to be ratified was the King's Peace, or Peace of Antalcidas, in 386. In order to defeat Athens in the Peloponnesian War Sparta had had to secure the help of Persia, and to do that Sparta had had to promise in 412/11 to hand over to Persia the Greeks of mainland Asia Minor. We have one problem right at the beginning, in that the identification of a further fragment of a decree in which the Athenians honoured a man called Heraclides for his help in making a treaty with 'the king' has shown that the man in question is certainly Heraclides of Clazomenae; by the 390s he had been made an Athenian citizen, so the lesser honours of this decree must be earlier; and in that case the treaty in question can hardly be other than the treaty for

²³ On the Persian dimension of the common peace treaties see the chapter by E. Rung in this volume.

Peace of Epilycus between Athens and Persia	423 or soon after
Spartan treaties with Persians	412/11
Lewis's Treaty of Boeotius between Sparta and Persia	408/7
Peloponnesian War ends with Spartan victory	404
Tissaphernes claims Asiatic Greeks	400
Beginning of Corinthian War in Greece	395
Antalcidas' first approach to Persians	392
Conference in Sparta	392/1
Peace of Antalcidas	386
Athenian decree for Hebryzelmis	386/5
Spartan dismantling of Mantinea	385
Athens makes paradigm alliance with Chios	384/3
Sparta begins war against Olynthus, occupies Thebes	382
Sparta defeats Olynthus	379
Thebes liberated from Spartans	379/8
Foundation of Second Athenian League	378
Sparta defeated by Thebes at Leuctra	371
Philip of Macedon creates League of Corinth	338/7

which Andocides gives the credit to his uncle Epilycus, which must be dated in or shortly after 423.²⁴ Athens at that time can hardly have agreed to surrender the Asiatic Greeks, as Sparta was to do later, but I am prepared to believe that at that point a non-aggression pact could satisfy both sides. Andocides alleges that later the Athenians wilfully abandoned that treaty to support the Persian rebel Amorges, and that in response the Persians gave their support to Sparta. Thucydides in book 8 mentions both Athens' support for Amorges and a series of Persian treaties with Sparta,²⁵ but he has no earlier mention of Persia after the beginning of book 5,²⁶ and he does not make it clear what happened first.

²⁴ *IG* ii² 8 = *IG* i³ 227 = ML 70 trans. Fornara 138; additional fragment *IG* ii² 65 = *IG* i³ 227 Add. = ML 70 Add. (1988), on which see M. B. Walbank, 'A Correction to *IG* ii² 65', *Zeitschrift für Papyrologie und Epigraphik* 48 (1982), 261–3, and Walbank, 'Herakleides of Klazomenai: A New Join at the Epigraphical Museum', *Zeitschrift für Papyrologie und Epigraphik* 51 (1983), 183–4; Andoc. 3. *Peace* 29. Some who previously believed in a different Heraclides and a later treaty have been persuaded, including myself; but renewed doubts on the Peace are expressed by E. M. Harris, '*IG* i³ 227 and the So-Called Peace of Epilykos', *Zeitschrift für Papyrologie und Epigraphik* 126 (1999), 123–8, and indeed on the authenticity of Andocides 3: see Harris, 'The Authenticity of Andokides' *De Pace*: A Subversive Essay', in *Polis and Politics: Studies in Ancient Greek History Presented to M. H. Hansen* (Copenhagen, 2000), 479–505.

²⁵ Thuc. 8.5.5 (not mentioning Athens), 28.2–3, 54.3 (Amorges); 18, 37, 58 (treaties with Sparta).

²⁶ An incidental mention in Thuc. 5.1. Otherwise there is nothing later than 4.50, which notoriously mentions Athenian envoys sent to Artaxerxes, who turned back on hearing of his death about the beginning of 423, but not the envoys who, if the Peace of Epilycus is to be accepted, must have been sent once Darius had established himself as Artaxerxes' successor.

If Andocides is right, and there are some less-than-conclusive indications that he may be, the Athenians did indeed break their treaty by choosing to support a rebel against the king. However, there are those who find it incredible that the Athenians should have behaved so foolishly, and who think that what came first was the Persians' perception that it was in their interest to help Sparta defeat Athens, and that it was only after they had broken the treaty that Athens gave its support to Amorges.²⁷ L. G. Mitchell has shown how the Greeks thought they could deal with the Persians as equals, while the Persians did not perceive the Greeks as equals but were prepared to abandon Greek 'friends' when they were no longer useful;²⁸ but I think it would be dangerous to conclude that the second view of this episode must be right and it must have been the Persians who broke the Peace of Epilycus: the Athenians could have behaved foolishly as Andocides claims they did.

After the Peloponnesian War Sparta did not immediately hand over the Asiatic Greeks to Persia.²⁹ In 400, after the failure of Cyrus' campaign against his brother, the new King Artaxerxes, Tissaphernes returned to Sardis as satrap (provincial governor) and laid claim to them, they appealed to Sparta, and Sparta sent a force to fight for them. Here again one side had broken an agreement. Everybody assumed that it was Sparta which had broken its agreements of 412/11 until Lewis claimed to detect a revised agreement, which he called the 'Treaty of Boeotius': in 407 a Spartan called Boeotius returned from the king claiming that the Spartans had secured all they wanted; Cyrus came to take charge of the war, and his arrival seems to have been welcomed rather than resented by the Asiatic Greeks. Lewis argued that the agreements of 412/11 had been replaced by one under which the Asiatic Greeks were to be autonomous as long as they paid tribute to the Persians – terms which we know were to be discussed more than once in the 390s.³⁰ If Lewis is right, then

²⁷ The first view, e.g. A. Andrewes, in *The Cambridge Ancient History*, 2nd edn, vol. v (hereafter v²) (Cambridge, 1992/1994), 464–5, with support for his order of events from A. G. Keen, 'Athenian Campaigns in Karia and Lykia during the Peloponnesian War', *Journal of Hellenic Studies* 113 (1993), 152–7; the second view, e.g. H. D. Westlake, 'Athens and Amorges', *Phoenix* 31 (1977), 319–29 = his *Studies in Thucydides and Greek History* (London, 1989), 103–12; D. Kagan, *The Fall of the Athenian Empire* (Ithaca, NY, 1987), 29–32.

²⁸ L. G. Mitchell, *Greeks Bearing Gifts* (Cambridge, 1997), esp. 111–33 ch. 6.

²⁹ Some of Lysander's decarchies seem to have been established in mainland cities: Xen. *Hell.* 3.4.2.

³⁰ D. M. Lewis, *Sparta and Persia* (Leiden, 1977), 108–35 ch. 5: accepted as uncontroversial by Andrewes in *Cambridge Ancient History*, v², 489; rejected, e.g. Kagan, *The Fall of the Athenian Empire*, 332 n. 28; C. J. Tuplin, 'The Treaty of Boiotios', *Achaemenid History* 2 (1984) [publ. 1987], 133–53. Boeotius' return from the king: Xen. *Hell.* 1.4.2–3. Similar terms proposed 390s: 3.2.20 (397), 3.4.5 (396), 3.4.25 (395).

it appears that Tissaphernes was breaking the Treaty of Boeotius in making his demands in 400: Lewis suggests that 'he may well have thought that any existing guarantees given to the cities were invalidated by Cyrus' revolt [against King Artaxerxes] and the support Cyrus had had from Sparta and the cities'.³¹ I do not believe that either the Greeks or the Persians were incapable of breaking treaties, but it is certainly easier to understand the appeal of the Asiatic Greeks in 400 and Sparta's positive response to it if Lewis is right in saying that there was a Treaty of Boeotius and Tissaphernes broke it.

It is uncontroversial that in the 390s Sparta did fight for the Asiatic Greeks against the Persians and there were truces in which autonomy subject to the payment of tribute was discussed. Persia encouraged the outbreak of another war, the Corinthian War, in Greece to distract Sparta, and by the late 390s Sparta was not making progress in either war. In 392 the Spartans first tried to retrieve what they could from this difficult situation, and sent Antalcidas to the Persians with a proposal that the Asiatic Greeks should after all be handed over to Persia, and that otherwise all cities and islands were to be autonomous: that is, the Spartans were conceding defeat in their Persian war in exchange for Persian backing for a settlement in Greece which would be advantageous to Sparta. The problem this time lay in a lack of definition. Greek politicians had a nasty habit of assuming that the meaning of key words was self-evident, so that a typical law would state that if anybody commits *hybris* the procedure shall be such-and-such and the penalty shall be such-and-such — and it would simply be assumed that everybody knew what *hybris* was. Here all the key terms might be open to dispute: what were the cities and islands to which autonomy was promised, and how great a degree of independence was meant by autonomy, that word which had been used earlier in connection with the Asiatic Greeks?³²

I believe (as Lewis did, though not everybody does³³) that the Greeks rejected the original proposals and there was then a conference at Sparta,

³¹ Lewis, *Sparta and Persia*, 138–9.

³² I discuss some of these problems in 'Sparta, Thebes and *Autonomia*', *Eirene* 35 (1999) (*Festschrift* for P. Oliva: publ. 2000), 33–40, with reference to discussion by M. H. Hansen and A. G. Keen of the interpretation of 'autonomy'. A short-lived treaty between Sparta and Argos made in 418/17, after the battle of Mantinea, had stipulated that all the cities in the Peloponnese were to be autonomous: Thuc. 5.77.5, 79.1.

³³ Lewis, *Sparta and Persia*, 146 n. 68. In favour of this order of events, see most recently A. G. Keen, 'A "Confused" Passage of Philochoros (F 149A) and the Peace of 392/1 B.C.', *Historia* 44 (1995), 1–10, and 'Philochoros F 149 A & B: A Further Note', *Historia* 47 (1998), 375–8; against it, E. Badian, 'The King's Peace', in *Georgica: Greek Studies in Honour of G. Cawkwell* (*Bulletin of the Institute of Classical Studies Supplement* 58 (1991)), 25–48 at 26–34.

that one of the Athenian delegates was Andocides, whose speech *On the Peace* was an attempt to sell to the Athenian assembly the revised terms which resulted from that conference, and that (although there is no mention of the Asiatic Greeks in Andocides' speech) we should refer to this occasion the fragment from the third-century historian Philochorus which states that the Athenians rejected the peace and exiled their delegates because they were not prepared to abandon the Asiatic Greeks to Persia.³⁴ Peace was finally made, and did involve the abandonment of the Asiatic Greeks, in 386.

It is clear from Andocides' speech that, if the conference in Sparta did not grapple with the definition of the key terms, it did grapple with the application of them in some cases. Athens was to be granted the three north Aegean islands of Imbros, Lemnos and Scyros, which it had possessed for most of the fifth century, had lost at the end of the Peloponnesian War, but had recovered since Sparta had lost control of the Aegean in 394. In the peace made in 386 the only exceptions to the autonomy rule were that Athens kept those three islands and Persia kept the islands of Clazomenae and Cyprus. Boeotia was a federation of cities, in which Thebes was the most powerful but was not overwhelmingly dominant; another of the cities, Orchomenus, had been won over by Sparta in 395, at the beginning of the war in Greece; evidently Sparta had originally intended that the federation should be broken up, but at the conference in Sparta it was conceded that the rest of the federation could remain if Orchomenus were allowed to leave it. Two other enemies of Sparta, Argos and Corinth, had formed or were in process of forming some kind of political union, and at the conference Sparta continued to insist that that union should be undone.

It is clear from Andocides' speech that those applications of the autonomy principle were discussed. Others, as far as we know, were not. The island of Salamis, just off the coast of Attica, had been treated by Athens for more than a hundred years as a possession, rather than as an integral part of Attica: it was to remain a possession, and there is no indication that anybody ever suggested that it should not; clearly, when autonomy was promised to 'all islands', that did not include Salamis. The territory of Laconia-and-Messenia, controlled by Sparta, was inhabited not only by the Spartan citizens but also by a servile population, the helots, and by the so-called *perioikoi*, 'those living around', who in foreign affairs had to obey the orders of Sparta but in other respects were free men living in their own communities – and those communities

³⁴ Phil. *FGrH* 328 F 149 trans. Harding 23. For E. M. Harris's attack on the authenticity of the speech *On the Peace* see n. 24, above.

could be referred to as *poleis*, cities.³⁵ There are just one or two occasions when somebody seems to have said, 'If the autonomy principle is to be invoked in our case it ought also to be invoked in the case of the Spartan *perioikoi*',³⁶ but it looks as if nearly all the time, as in the case of Salamis and Athens, it was simply accepted that, when autonomy was promised to 'all cities', that did not include the cities of Sparta's *perioikoi*.

Boeotia was not the only federal organisation in Greece at the beginning of the fourth century, but it was the one with which Sparta was most concerned since it was a leading member of the coalition fighting against Sparta. Sparta wanted to break up that federation; although it was prepared to compromise in revising its original terms in 392/1, it insisted on breaking up the federation when peace was finally made in 386. However, there is no sign that it tried to break up other federations, such as those in Achaea and Aetolia.³⁷ Within the Boeotian federation there were different levels of community: there were cities which were represented in the federal organisation, and there were lesser communities which were dependent on one or other of those cities and were not themselves represented in the federal organisation – but as M. H. Hansen has insisted those lesser communities could themselves be referred to as *poleis*, cities.³⁸ Did the promise of autonomy for 'all cities' apply to them? When Sparta insisted on breaking up the federation in 386, did it also insist on freeing these lesser cities from their dependence on their larger neighbours? There is no evidence on the matter,³⁹ but I should guess that the silence does count for something and that Sparta did not interfere with the status of these lesser cities. On the other hand, Oropus, which lay between Boeotia and Athens and was claimed by both, had

³⁵ See especially G. Shipley, '“The Other Lakedaimonians”: The Dependent Perioikic *Poleis* of Lakonia and Messenia', in M. H. Hansen (ed.), *The Polis as an Urban Centre and as a Political Community* (Copenhagen, 1997), 189–281.

³⁶ No mention at all by Xenophon or Diodorus; but Paus. 3.8.3 makes the Eleans raise the question c. 400; and according to Plut. *Ages.* 28.1–2 and Paus. 9.13.2 Epaminondas raised it in the spring of 371 in response to the Spartan king Agesilaus' insistence on the autonomy of the Boeotian cities. For a more legalistic approach to this question see J. M. Hall, 'Sparta, Lakedaimon and the Nature of Perioikic Dependency', in P. Flensted-Jensen (ed.), *Further Studies in the Ancient Greek Polis* (Copenhagen Polis Centre Papers 5 = *Historia Einzelschriften* 138 (2000)), 73–89 at 81.

³⁷ Achaea: federal organisation in 389 Xen. *Hell.* 4.6.1; cities considered as part of a larger whole in 366 7.1.43. Aetolia: three 'parts' in 426 Thuc. 3.94.4–5; Athens makes representations to *koinon* in 367/6 *Agora* xvi 48 = Rhodes & Osborne 35.

³⁸ See especially Hansen, 'Boiotian *Poleis* – A Test Case', in M. H. Hansen (ed.), *Sources for the Ancient Greek City-State* (Copenhagen Polis Centre Acts 2 [1995]), 13–63; and 'An Inventory of Boiotian *Poleis* in the Archaic and Classical Periods', in M. H. Hansen (ed.), *Introduction to an Inventory of Poleis* (Copenhagen Polis Centre Acts 3 (1996)), 73–116.

³⁹ Cf. Hansen, 'Boiotian *Poleis*', 28–9.

been made independent at the end of the Peloponnesian War but acquired by Boeotia a little later: that does seem to have been made independent again after the Peace (but it joined Athens in the 370s and was acquired by Thebes in the 360s).⁴⁰

This was a new kind of peace treaty, which came to be known as a 'common peace' (i.e. one common to all the Greeks), but in fact it was several things at once. It had its origin in an approach by Sparta to Persia;⁴¹ when peace was finally made it followed a visit to the Persian court by the Spartan Antalcidas;⁴² formally the terms of the final treaty were the terms which the Persian king 'sent down' to his satrap at Sardis to read to the Greeks;⁴³ and on one level this represents an agreement that, in return for Sparta's handing over the Asiatic Greeks to Persia, Persia will give Sparta its backing in Greece. On a second level, this was a treaty to end the war in Greece in which Sparta had been involved since 395, and all those who are mentioned as accepting or rejecting the terms and the proposed application of them are states which had been fighting against Sparta in that war: Lewis stressed that in Xenophon's text the king declared that he would make war on 'whichever of the two parties' did not accept the peace.⁴⁴

On a third level, the treaty was to be 'common' to all Greek states, whether involved in the recent war or not. (The geographical extent is unclear, and was surely not spelled out: I should guess that the unspoken assumption was that it applied to Greece proper, the Aegean and the coasts of the Aegean; I am not sure whether Crete or the far north-west would be thought to be included; I am sure that colonies in more distant places, such as Sicily, would not.) We do not know how many states sent representatives to the conference in Sparta in 392/1, or to the satrap Tiribazus in 386 when he summoned 'those who wished to give ear to the peace which the King sent down, and all quickly attended',⁴⁵ after which they reported to their cities, and 'all the others swore' to abide by the terms but the Thebans objected.⁴⁶ The Copenhagen Polis Centre, and even the school of Aristotle, did not yet exist. Therefore, there can hardly have been a list available of all the cities and islands to which the terms were to apply, against which they could be ticked off as they

⁴⁰ Lys. 31. *Philon* 9 (end of Peloponnesian War); Diod. Sic. 14.7.1-3 (after); Isoc. 14. *Plat.* 20, 37 (gave itself to Athens in the 370s so independent after Peace); Xen. *Hell.* 7.4.1, Diod. Sic. 15.76.1 (366).

⁴¹ Xen. *Hell.* 4.8.12.

⁴² Xen. *Hell.* 5.1.25.

⁴³ Xen. *Hell.* 5.1.30-1.

⁴⁴ Xen. *Hell.* 5.1.31 (ὁπότεροι) with Lewis, *Sparta and Persia*, 147 with n. 79.

⁴⁵ Xen. *Hell.* 5.1.30.

⁴⁶ Xen. *Hell.* 5.1.32 cf. 35.

swore. I dare say some states not involved in the war did respond to Tiribazus' summons and did swear, particularly no doubt some which felt threatened by a powerful neighbour and wished to make it clear that they were among the states whose autonomy was to be guaranteed; I am sure that there were others which did not.

Sparta's allies in the Peloponnesian League had been involved in the war, as allies of Sparta: were they called on to swear to the peace, as they had been called on to swear to the Peace of Nicias in 421? Perhaps; but at the end of the Peloponnesian War, in 404, though the allies were consulted, Sparta made a more generous peace with Athens than they wanted and there is no sign that they were asked to swear to it;⁴⁷ and on a later occasion, in spring 371, we are explicitly told that the Spartans swore for themselves and their allies.⁴⁸ On the other hand, in autumn 371, after the battle of Leuctra, when Sparta was much weaker, the refusal of Elis makes it clear that Sparta's allies were allowed to swear for themselves.⁴⁹ What made the common peace common to all the Greeks was not that all of them had agreed to it but that it could be enforced on all of them. Enforced on all of them by Sparta, not because Sparta was given a privileged position by the text of the treaty,⁵⁰ but simply because it was Sparta that had done a deal with the Persians and had obtained from the Persians this treaty and their promise to enforce it.

Enforcement by Persia was a threat which remained in the background and was never invoked, but Sparta on its own account and to its own advantage proceeded to enforce the peace. The Thebans, required to break up the Boeotian federation, objected, until the Spartan king Agesilaus started mustering an army of the Peloponnesian League to attack them; likewise Corinth and Argos did not undo their union until Agesilaus threatened to attack.⁵¹ In 385 Sparta and its allies attacked Mantinea, a member of the Peloponnesian League which had not been sufficiently loyal, and ended by splitting it into the component villages which had united to form a single city, perhaps in the 470s.⁵² Our texts do not say so, but probably the Spartans were invoking the common peace and claiming that it was the individual villages rather

⁴⁷ Xen. *Hell.* 2.2.19–23.

⁴⁸ Xen. *Hell.* 6.3.19.

⁴⁹ Xen. *Hell.* 6.5.2.

⁵⁰ Lewis, *Sparta and Persia*, 147 n. 80, against, G. L. Cawkwell, 'The Foundation of the Second Athenian Confederacy', *Classical Quarterly*, new series 23 (1973), 47–60 at 53. Cf. p. 23 with n. 66, below.

⁵¹ Xen. *Hell.* 5.1.32–4.

⁵² Xen. *Hell.* 5.2.1–7, Diod. Sic. 15.5, 12.

than the united city whose autonomy was guaranteed: there is a hint of this in the remark that Mantinea appealed to Athens for support but 'the Athenians did not choose to transgress the common agreement'.⁵³

In the north of Greece Olynthus was absorbing its neighbours into a Chalcidian federation, and in 382 Sparta accepted an invitation to intervene against that – according to one of our sources, Xenophon, an invitation from two of the threatened neighbours; according to Diodorus, from King Amyntas of Macedon. Both may be correct, but if the threatened neighbours were among those who appealed to Sparta then it is likely that in attacking the federation Sparta was again claiming to enforce the autonomy principle of the common peace.⁵⁴ Olynthus and its neighbours had been among Sparta's enemies in the war at the beginning of the century,⁵⁵ but they did not play a major part in it and they may not have sworn to the King's Peace. Again Sparta called on its allies for support. At the beginning of the war Sparta took advantage of a division in Thebes between a pro-Spartan and an anti-Spartan party to occupy Thebes and install a garrison there. This occupation of one of the leading cities of Greece was a very shocking event: Xenophon tells us that the Thebans had resolved not to join in the campaign,⁵⁶ and Sparta's breach of Greek norms becomes easier to understand if the Spartans claimed that the Thebans were refusing to join in enforcing the common peace.

Members of the anti-Spartan party in Thebes fled to Athens; in winter 379/8 they returned and assassinated the pro-Spartan ruling clique, they secured help, official or unofficial, from Athens, and the Spartan garrison commander was induced to withdraw. The Spartans invaded Boeotia to try to recover control; while there were Spartan envoys in Athens, presumably protesting about Athens' support for Thebes, a Spartan commander in Thespieae, in southern Boeotia, made a raid on Athenian territory. When Athens complained, the commander was put on trial in Sparta but acquitted, and Athens then came out openly against Sparta.

⁵³ Diod. Sic. 15.5.5. Invocation of the autonomy clause accepted by P. J. Stylianou, *A Historical Commentary on Diodorus Siculus Book 15* (Oxford, 1998), 173–5; doubted by R. K. Sinclair, 'The King's Peace and the Employment of Military and Naval Forces, 387–378', *Chiron* 8 (1978), 29–54 at 38; R. Seager in *Cambridge Ancient History*, vi², 157.

⁵⁴ Xen. *Hell.* 5.2.11–19, Diod. Sic. 15.19.2–3; cf. Sinclair, 'The King's Peace', 37; Stylianou, *Historical Commentary*, 213–4. Xenophon suggests that Olynthus might ally with Thebes and Athens (5.2.15), but there is no evidence of an Athenian alliance: like D. M. Lewis, 'Notes on Attic Inscriptions', *Annual of the British School at Athens* 49 (1954), 17–50 at 33 with n. 14, I believe that IG ii² 36 = Tod 119 belongs to the occasion, probably in 375, when the Chalcidians joined the Second Athenian League.

⁵⁵ Diod. Sic. 14.82.3, Isae 5. *Dicaeogenes* 46.

⁵⁶ Xen. *Hell.* 5.2.25.

Diodorus tells us that 'the Athenians decreed that the peace had been broken by the Spartans';⁵⁷ and, although Diodorus' chronology is different,⁵⁸ I am one of those who think it was at this point that the Athenians organised their allies into a league whose aim was explicitly to resist Spartan aggression, whose terms kept it explicitly within the framework of the common peace and included various stipulations which served both as promises that Athens would not repeat the sins of its fifth-century empire and as indications of what that slippery term autonomy would be taken to mean. Xenophon, who notoriously does not mention the league, says at this point that the Athenians installed gates at the Piraeus, started building ships and supported the Boeotians enthusiastically.⁵⁹

What had been going on? Sparta had been exploiting the common peace by deciding on applications of the autonomy principle that were to its own advantage and its enemies' disadvantage. The existence of the Boeotian federation was said to be incompatible with the autonomy of the constituent cities, and when Sparta threatened to invade Thebes acquiesced – though other federal organisations were not broken up at the same time, and the lesser cities of Boeotia were not as far as we know freed from their dependence on the greater. Sparta was in a strong enough position to get away with its application of the peace to Boeotia, but we do not have to suppose that that application was accepted as correct by other Greeks, either in Boeotia or elsewhere: they may have acquiesced in it merely because they felt unable to resist Sparta. In the case of Argos and Corinth we do not know exactly what form the union had taken, but, if Xenophon is right in referring to an Argive garrison in Corinth which was made to leave,⁶⁰ this may have been an uncontroversial application of the treaty. On the other hand, if the Spartans did indeed invoke the treaty when they split Mantinea into its component villages, this dismantling of what had been a single city for nearly a century, and as far as we know had been recognised as a single city by the Spartans as well as by the other Greeks, will have been a blatant abuse of

⁵⁷ Diod. Sic. 15.29.7.

⁵⁸ For the foundation of the league after the Spartan raid, e.g. D. G. Rice, 'Xenophon, Diodorus and the Year 379/378 B.C.: Reconstruction and Reappraisal', *Yale Classical Studies* 24 (1975), 95–130; E. Badian, 'The Ghost of Empire: Reflections on Athenian Foreign Policy in the Fourth Century B.C.', in W. Eder (ed.), *Die athenische Demokratie im 4. Jahrhundert v. Chr.* (Stuttgart, 1995), 79–106 at 89–90 n. 4; cf. Sinclair, 'The King's Peace', 52–4. For Diodorus' chronology, in which the formation of the league precedes the Spartan raid, e.g. Cawkwell, 'The Foundation'; Seager in *Cambridge Ancient History*, vi², 166–8.

⁵⁹ Xen. *Hell.* 5.4.34.

⁶⁰ Xen. *Hell.* 5.1.34.

the treaty. The attack on Olynthus looks like an attack on a growing federation to defend cities which did not want (or at any rate some of whose citizens did not want) to join that federation. According to our literary sources, this episode ended with Olynthus surrendering and becoming a subordinate ally of Sparta;⁶¹ how far Olynthus' Chalcidian federation was broken up is uncertain, but we know from coins and from the inscribed list of members of Athens' new league that the state centred on Olynthus, however extensive that now was, continued to call itself 'the Chalcidians',⁶² that is, it did not accept the legitimacy of the breaking up of the federation. As for Thebes, the installation of a foreign garrison, even if welcome to some of the inhabitants, was a breach of autonomy on any normal understanding of the word, as Sparta had maintained in the case of the Argive garrison in Corinth a few years before, and it is partly for that reason that I suggest that Sparta justified itself by claiming that the common peace had already been broken by Thebes when it refused to join in enforcing the peace against Olynthus.

Athens was not prepared to challenge Sparta's interference in Mantinea; probably did not give any support to Olynthus;⁶³ harboured refugees from Thebes, as Thebes had defied Sparta to harbour democratic refugees from Athens after the Peloponnesian War, and gave some help to Thebes, but perhaps unofficially, when the pro-Spartan rulers had been assassinated. But, just as it was Athens' invasion of Spartan territory in 414 which finally ended the Peace of Nicias, it was the Spartan invasion of Athenian territory in 378, and the acquittal of the commander afterwards, which led Athens to vote that Sparta had broken the common peace and (I believe) to organise its explicitly anti-Spartan league.

When the common peace was first made, as I stated above, there was a fatal lack of definition, of what were 'all the cities and islands' that were to have autonomy, and of what was to count as autonomy. The problem of what entities were to have autonomy was finally dealt with in 338/7, when Philip of Macedon combined with a common peace treaty the creation of a league with a list of members; but a new problem of definition was introduced then, with the clause under which participants

⁶¹ Xen. *Hell.* 5.3.26, Diod. Sic. 15.23.3.

⁶² Coinage: D. M. Robinson and P. A. Clement, *Excavations at Olynthus*, vol. ix (Baltimore, 1938), 141, 157–8; U. Westermark, 'The Coinage of the Chalcidian League Reconsidered', in *Studies in Ancient History and Numismatics Presented to R. Thomsen* (Aarhus, 1988), 91–103, suggests a revision of their chronology but does not challenge their view of the continuing existence of 'the Chalcidians' after 379. Athenian League: *IG* ii² 43. side 5–6 = Rhodes & Osborne 22. 101–2; *IG* ii² 36 = Tod 119 with n. 54, above. Cf. Stylianou, *Historical Commentary*, 227.

⁶³ Cf. n. 54, above.

were to keep the constitutions which they had when they swore to the treaty – unless at the time they were ruled by ‘tyrants’.⁶⁴ Whether a man was to be called a tyrant or a political leader might depend on whether one supported or opposed him. Probably also nothing had been laid down in 386 about how the treaty was to be enforced: that problem was addressed later by the addition of what Ryder calls a ‘voluntary guarantee clause’ in the treaty of spring 371 and a ‘compulsory guarantee clause’ in the treaty of autumn 371, and, finally and more effectively, in 338/7 with the league under Philip’s leadership.⁶⁵ In and after 386 the Spartans simply took it upon themselves to say that certain existing arrangements were incompatible with the peace, and when they met with resistance they called on their allies to join them in attacking the alleged offenders. ‘Autonomy’, as R. Seager has written, ‘was to mean what Sparta wanted it to mean in any given case.’⁶⁶

It must in the years after the peace have been very hard to judge what Sparta might allow and what it might not. The Athenians did not only lack the confidence to support Mantinea against Sparta. In 386/5 they praised the Thracian ruler Hebryzelmis and confirmed for him what they had voted for his forebears: as a Thracian he was outside the common peace, but R. K. Sinclair suggests that he wanted a positive alliance and Athens did not feel able to grant one.⁶⁷ Athens had lost control of the sanctuary of Apollo on Delos after the Peloponnesian War, but was appointing amphictyons for Delos in 393/2–389/8 and again from 377/6: Sinclair suggests that as a result of the King’s Peace Athens did withdraw from Delos for a time, probably not immediately after the Peace but after 385, and after an appeal by the Delians to Sparta.⁶⁸ Oropus, independent after the Peace, was accepted when it offered itself to Athens later.⁶⁹ But by 384/3 Athens had found a way forward: in making an alliance with Chios it stated very emphatically that this was to be

⁶⁴ *IG* ii² 236 = Rhodes & Osborne 76, with [Dem.] 17. *Treaty with Alexander*: constitutional guarantee [Dem.] 17.4, 7.

⁶⁵ Xen. *Hell.* 6.3.18 (where we should read *μη εἶναι ἐνὸρκον συμμαχεῖν τοῖς ὀδικοῦσιν*, [‘should not be consistent with the oath to ally with those doing wrong’]: Lewis, *Selected Papers*, 30 n. 1), 6.5.2, with T. T. B. Ryder, *Koine Eirene* (Oxford, 1965), 68, 72. Contr. Cawkwell, ‘The Foundation’, 52–4, arguing that there must have been a guarantee clause even in the original King’s Peace.

⁶⁶ Seager in *Cambridge Ancient History*, vi², 118. Cf. A. B. Bosworth, ‘Autonomia: The Use and Abuse of Political Terminology’, *Studi Italiani di Filologia Classica*, third series, 10 (1992), 122–52, esp. 131–6.

⁶⁷ *IG* ii² 31 = Tod 117 trans. Harding 29, with Sinclair, ‘The King’s Peace’, 47–9.

⁶⁸ After Peloponnesian War I. *Délos* 87 = Rhodes & Osborne 3. 393/2–389/8 *IG* ii² 1634 = *I. Délos* 97; 377/6–374/3 *IG* ii² 1635 = *I. Délos* 98 = Rhodes & Osborne 28. Cf. Sinclair, ‘The King’s Peace’, 43–4.

⁶⁹ Cf. p. 18 with n. 40, above.

a purely defensive alliance and within the framework of the common peace.⁷⁰ It was that alliance which served as the model for the Second Athenian League when that was created in 378; and in that, as we have seen, Athens took the further step of spelling out what autonomy was to mean for its members.⁷¹ I believe (as Lewis did not), that when Athens organised the renewal of the common peace in the autumn of 371, after the battle of Leuctra, and the participants swore to 'the treaty which the King sent down and the decrees of the Athenians and their allies', the reference was to the spelling-out of what autonomy meant in the foundation documents of the Second Athenian League.⁷²

The common peace treaties, then, started from principles which seemed straightforward and fair, but turned out to be far from straightforward and fair in the absence of agreement on how those principles were to be applied. Sparta organised and exploited the first treaty and its abortive predecessors, and there can be no doubt that from the beginning Sparta saw how the Peace could be interpreted to its own advantage: Plutarch reports in no fewer than three places that King Agesilaus, in response to a complaint that by making this deal with the Persians the Spartans were medising (betraying their own interests to serve Persia's), replied, 'No, the Persians are laconising.'⁷³ One final question which we ought to ask is whether the Spartans were consciously dishonest – whether they knew that their application of the principles might be disputed but were determined to get what they wanted – or naïvely but genuinely assumed that what seemed to them to be the correct application of the principles simply was correct. On that point we should perhaps give them the benefit of the doubt – at any rate in the beginning.

However, during the fourth century the Greeks clearly became very fond of inserting in treaties ambiguous clauses that they intended to interpret to their own advantage, and I end this chapter with one other ambiguity.

Echein ta heauton (having what belongs to one by right)

What was to be the territorial basis when states which had been at war made peace? It could be maintained that in the interests of peace recent

⁷⁰ *IG* ii² 34 (and another copy 35) = Rhodes & Osborne 20.

⁷¹ Chian alliance as model *IG* ii² 43 = Rhodes & Osborne 22. (front) 24; cf. the treaty admitting Byzantium, *IG* ii² 41 = Tod 121 trans. Harding 34. 6–7. Implications of autonomy *IG* ii² 43 = Rhodes & Osborne 22. (front) 19–46.

⁷² Xen. *Hell.* 6.5.1–3, with M. Sordi, 'La pace di Atene del 371/0', *Rivista di Filologia e di Istruzione Classica* 79 = new series 29 (1951), 34–64; Ryder, *Koine Eirene*, 71–2, 131–3; Seager in *Cambridge Ancient History*, vi². 185–6. Contr. Lewis, *Selected Papers*, 29–31.

⁷³ Plut. *Ages.* 23.4, *Artax.* 22.4, *Apophth.* *Lac.* 213 B.

Thirty Years' Peace between Athenians and Peloponnesians	446/5
Peace of Nicias, and alliance between Athens and Sparta	421
Sparta defeated by Thebes at Leuctra	summer 371
Common peace organised by Athens	autumn 371
Messenia liberated from Sparta	370/69
Peace between Thebes and some Peloponnesians	365
Sparta's war in Peloponnese	353–350
Peace of Philocrates between Athens and Philip of Macedon	346

conquests ought to be given up: thus in the Thirty Years' Peace between Athens and Sparta in 446/5 there was a list of places in the Peloponnese which Athens was to give up;⁷⁴ in the Peace of Nicias in 421 there were lists of places which each side was to give up to the other, with special provision for six cities in the north-east, which as long as they paid tribute to Athens were to be autonomous and, if they wished, neutral.⁷⁵ Another possibility was to make peace on the basis of the *status quo*, so that each participant should retain what it held at the time when the peace was made: that was, for instance, a feature of the Peace of Philocrates between Athens and Philip of Macedon in 346.⁷⁶ But on more than one occasion a state tried to get away with the principle of *each to his own*, that each participant should possess what belonged to it by right – another principle which sounded fair but which could be exploited to allow a state to claim that some particular place which it did not currently possess belonged to it by right.⁷⁷ In the years that followed the Peace of Philocrates, when Philip complained about Athens' uncooperativeness and offered to renegotiate the treaty, the Athenians invoked that principle, in order to lay claim to Amphipolis, the colony they had founded in the north-east in 437/6 and had lost in 424/3, which Philip had taken over in 357.⁷⁸ This was probably not the first time they attempted that gambit. Hegesippus, in the speech in which we find the gambit used in the 340s, says that Amphipolis was recognised as belonging to Athens by the

⁷⁴ Thuc. 1.115.1.

⁷⁵ Thuc. 5.18.5–8.

⁷⁶ [Dem.] 7. *Halon*. 26.

⁷⁷ I agree with Sinclair, 'The King's Peace', 29–30, that, although the expression was already in use in the fifth century (e.g. Thuc. 2.71.2, 5.79.1; also Andoc. 3. *Peace* 19), it probably did not appear in the original King's Peace of 386: contr. V. Martin, 'Le Traitement de l'histoire diplomatique dans le tradition littéraire du IV^e siècle avant J.-C.', *Museum Helveticum* 1 (1944), 13–30 at 26; Ryder, *Koine Eirene*, 122–3.

⁷⁸ *Each to his own* [Dem.] 7. *Halon*. 18; application to Amphipolis 23–9.

Greeks and the Persian king;⁷⁹ similar claims are made in connection with both Amphipolis and the Chersonese by Demosthenes and Aeschines;⁸⁰ and scholars have been greatly puzzled as to when Athens could have obtained that recognition.⁸¹ My guess is that what was contained in one or more of the common peace treaties was not an explicit mention of Amphipolis and the Chersonese, for which Athens started fighting in the early 360s, but the *echein ta heauton* principle, and that what the Athenian orators give us in the 340s is what the Athenians wanted to obtain by exploiting the principle.⁸² The likeliest treaty is the one of autumn 371, the only one in the series that was organised by the Athenians;⁸³ there is no reason to think that the Persians were involved on that occasion, but there was a tendency to use the expression, 'the peace which the King sent down', to cover the original King's Peace and all its renewals, and Xenophon does in fact use it of this renewal.⁸⁴ I think the mention of the King in this connection may simply be a further spin.

Echein ta heauton was a game which others could play too. In winter 370/69 Sparta, weakened by its defeat at Leuctra, was deprived of the neighbouring territory of Messenia, which it had possessed for three hundred years or more. There are problems about the nature of the treaty made by Thebes and some Peloponnesian states in 365, about which we need not worry here, but according to Xenophon the treaty contained an *echein ta heauton* clause, and Underhill was probably right to take that as intended to include a guarantee of the independence of Messenia.⁸⁵ Sparta, of course, regarded Messenia as belonging to Sparta by right,⁸⁶ and in the late 350s, when the Greeks were preoccupied with

⁷⁹ [Dem.] 7. *Halon*. 29.

⁸⁰ Dem. 19. *Embassy* 253 (Amphipolis), 9. *Phil.* iii. 16 (Chersonese); Aeschin. 2. *Embassy* 32–3 (Amphipolis: a congress attended by a representative of Amyntas of Macedon, who died c. 370).

⁸¹ See Ryder, *Koine Eirene*, 128–30 with references.

⁸² Cf. M. Jehne, 'Die Anerkennung der athenischen Besitzansprüche auf Amphipolis und die Chersones', *Historia* 41 (1992), 272–82.

⁸³ The principle had been mentioned in the prospectus of the Second Athenian League (*IG* ii² 43 = Rhodes & Osborne 22. [front] 11–12), i.e. in 'the decrees of the Athenians and their allies' to which the participants in this peace treaty swore (cf. p. 24 with n. 71, above); Isoc. 8 *Peace* 16 shows that the principle was mentioned in at least one common peace treaty.

⁸⁴ Cf. p. 24 with n. 72, above.

⁸⁵ Xen. *Hell.* 7.4.10, with G. E. Underhill, *A Commentary with Introduction and Appendix on the Hellenica of Xenophon* (Oxford, 1900), 293, citing the explicit mention of the autonomy of Messenia in the terms proposed by Thebes at the Persian court in 367 (7.1.36): this seems to be agreed by Ryder, 'The Supposed Common Peace of 366/5 B.C.', *Classical Quarterly*, new series, 7 (1957), 199–205 at 203; Cawkwell, 'The Common Peace of 366/5 B.C.', *Classical Quarterly*, new series, 11 (1961), 80–6 at 82 with n. 9.

⁸⁶ See, for instance, Isoc. 6. *Archid.*, *passim*.

the Third Sacred War for the control of Delphi, Sparta advanced proposals on the basis of *echein ta heauton*, dangling the prospect of territorial gains in front of Athens and other states from whom it hoped for support, and itself hoping to recover Messenia.⁸⁷ Sparta embarked on a war in the Peloponnese, in which Athens declined to take part, but after two or three years that ground to a halt without changing anything.

In these uses of the *echein ta heauton* clause we have to say that the Greeks knew perfectly well what they were doing: different states on different occasions deliberately used an expression whose application was controversial, with the intention of forcing their interpretation of it on others.

In the Greek world, as in our world, diplomacy is a minefield. How much does it take to break a treaty, and does a breach of it necessarily mean that the treaty is at an end? The principle that 'all cities and islands', or as we might say all peoples or nations, are entitled to autonomy is a fine principle, but how great a degree of freedom is meant by 'autonomy', and how are we to decide what are the entities entitled to it? What territory belongs to an entity by right? Think of what used to be Yugoslavia; think of what used to be the Soviet Union. Think of the European Union, and its constituent states, and the component parts of those states which are federally organised (e.g. Germany and its *Länder*). Think of what is still, to some extent, the United Kingdom.

⁸⁷ Dem. 16. *Megal.* 16–18.

3 War, peace and diplomacy in Graeco-Persian relations from the sixth to the fourth century BC

Eduard Rung

This chapter considers the evolution of Graeco-Persian diplomatic relations in the wider context of political relations between the Greek states and Achaemenid Persia. At first glance the history of Graeco-Persian relations looks like a clash between the free Greek city-states and the Achaemenid Empire, which ought to have resulted in the subjugation of the Greeks to a despotic Persian monarch. However, the unification of the Greeks in the Hellenic League in order to defend themselves prevented Persian expansion to the west, and after the initial period of the Persian Wars (499–479 BC) an uneasy peace developed, which was based on a balance of power in the Eastern Mediterranean. It quickly became clear that the most effective way to maintain that balance of power after the failed Persian attempt to conquer the Greeks in the early fifth century BC was by diplomacy. Persian power was balanced by the rise of the hegemonial states of Greece (Athens, Sparta, Thebes and Macedon), which were continually involved in diplomatic relations with Persia during the fifth and fourth centuries BC. Although a long-standing enmity had been created, which the Greeks characterised as a clash between Hellenes of Europe and the ‘barbarians’ of Asia, and there were periods of open warfare between some of the Greek states and Persia, peaceful relations seem to have been preferable to both sides and numerous peace treaties were negotiated by the representatives of Greek states and the Persian king.

Early contacts

The Achaemenid Persian Empire was created in the second half of the sixth century BC as the result of conquests by Cyrus the Great, Cambyses and Darius I.¹ Within the first decades of its existence the question of relations with the Greeks was one of the most important ones in Persian imperial policy. The demand for submission by the Greeks to the

¹ On the early history of the Achaemenid Empire see P. Briant, *From Cyrus to Alexander: A History of the Persian Empire*, trans. Peter T. Daniels (Indiana, 2002), Part I.

authority of the Persian kings was on the agenda since Cyrus' conquest of Lydia in 546 BC. It was addressed to the Greek cities of Ionia and Aeolis. When Athenian envoys came to Sardis in 507 BC for the negotiation of a treaty of alliance with the satrap Artaphernes, they were faced with a demand for earth and water from the Persian king (Hdt. 5.73).²

The first actual demonstrations of the Persian imperial policy were the missions of Persian heralds to the Greeks asking them to give earth and water to the Great King of Persia. The Persian heralds (*hoi kerykes*) visited Greece twice. They were sent by King Darius I in 491 BC, and by Xerxes in 481 BC.³ The Persians hoped by diplomacy to divide the Greek world into two camps: those who would consent to submit themselves to the Persians and conclude an alliance against other Greeks, and those who would prefer to fight. This diplomatic action was crowned with success (Hdt. 6.48–9; 7.32, 132–3; Diod. Sic. 11.2.3; Paus. 3.12.7; Plut. *Them.* 6). According to Herodotus, the heralds who had been sent into Greece obtained what the king had bid them ask for from a large number of the states upon the mainland, and likewise from all the islanders whom they visited (Hdt. 6.49).

There were some Greek states which preferred to enter into alliances with the Great King. The *Aleuadae* of Thessaly sent their embassy to Xerxes in 486 BC (Hdt. 7.6). They consented to be the king's ally and, as Herodotus says, invited him to invade Greece.⁴ The Thebans and the Argives also were on friendly terms with the Great King, and rumours were spread that it was at their instigation that Xerxes invaded Greece (Argives: Hdt. 7.152; Thebans: Thuc. 3.62.3). These were the states against which the Hellenes concluded an agreement with one another (Hdt. 7.132). The philo-Persian attitude of many Greek states was designated by the Greeks as *medism*. As David F. Graf notes, 'to designate collaborating with Persia, the Greeks employed the verb *medizo* "side with the Medes" or the noun *medismos* "leaning toward the Medes, Medism", both derived from *medos*'.⁵

The causes of medism are not so easy to define, and each case of medism among the Greeks needs to be considered specifically. It is

² L. L. Orlin, 'Athens and Persia ca 507 BC.: A Neglected Perspective', *Michigan Oriental Studies in Honor of G. C. Cameron* (Ann Arbor, 1976), 255–66.

³ On these missions: R. Sealey, 'The Pit and the Well: The Persian Heralds of 491 B.C.', *The Classical Journal* 72 (1976), 13–20; L. M. Wery, 'Le meurtre des herauts de Darius en 491 et l'inviolabilité du heraut', *L'Antiquité Classique* 35 (1966), 468–88; A. Kuhrt, 'Earth and Water', in A. Kuhrt and H. Sancisi-Weerdenburg (eds.), *Achaemenid History* (Leiden, 1988), vol. III, 87–99.

⁴ A. Keaveney, 'The Medisers of Thessaly', *Eranos* 93 (1995), 30–8.

⁵ D. F. Graf, 'Medism: The Origin and Significance of the Term', *Journal of Hellenic Studies* 104 (1984), 15–30 at 15.

certain that the significant factor in the origin of the phenomenon of medism was the Greeks' fear of the might of the Great King of Persia, the danger of war and devastation of their own territory. However, this factor became less and less influential as the Persian threat decreased after 479 BC. Meanwhile the cases of medism did not disappear, even when the political history of the Greek world was dominated by the struggle for hegemony between Athens and Sparta in the fifth century BC. The hostile attitude of the Greeks to medism and medisers appeared during the Persian Wars, although the phenomenon of medism had its origins in the second half of the sixth century BC. When considering the development of Greek opposition to medism in Greece it is necessary to take into account several factors, above all the fact that Xerxes' invasion of 480–479 BC allowed the patriotic Greeks to unite against those who were siding with the Persians.

There were new features in Persian diplomacy concerning the Greeks after the Persian Wars. Following the Hellenic victories of Salamis and Plataea, the Persians for the first time began to use informal diplomacy, which could be successful when the official diplomatic missions were fruitless. The first instance of such diplomacy was the visit of Arthmius of Zeleia to Greece. Unfortunately Arthmius' mission is not attested by the Greek historians of the fifth century BC, Herodotus and Thucydides, but it is known to us owing to several mentions of it in the speeches of fourth-century Attic orators Demosthenes, Aeschines and Dinarchus and later writers, including Plutarch (Dem. 9.41–3, 19.271–2; Aesch. 3.258–9; Din. 2.24–5; Ael. Arist. *De Quat.* 2.287, 392, *Lept.* 2.676, *Panath.* 1.310; Harpocrat, s.v. *Arthmius, ati-mos*; Plut. *Them.* 6).⁶ However, there is no reason to question the historicity of the mission. Attic orators mention the existence of an Athenian decree concerning Arthmius, which was inscribed on a bronze *stela* and installed on the Acropolis on the right-hand side near the large bronze statue of Athena Promachos. The decree denounced Arthmius as an enemy of the Athenian people for bringing Persian gold to the Peloponnese. Some authors consider Themistocles as the man who proposed the decree in the assembly. One *scholiast* on Aristides' speeches attributes Arthmius' mission to Sparta to the time of Xerxes' invasion of Greece. He considers it as part of Xerxes' plans to dissolve the Hellenic League by bribing the Spartans (*Schol. Ael. Arist.* 3.327). There are some reasons to date Arthmius'

⁶ Scholars accept different dates for Arthmius' mission and the Athenian decree. On Arthmius of Zeleia see, for example: J. Hofstetter, *Die Griechen in Persien* (Berlin, 1978), 32; D. M. Lewis, 'Persian Gold in Greek International Relations', in R. Descat (ed.), *L'or perse et l'histoire grecque, Revue des Etudes Anciennes* 91 (1989), 227–34 at 230; P. Briant, *From Cyrus to Alexander*, 563 and 969.

mission to the period of the embassy to Athens from Mardonius, a Persian general, after the battle of Salamis in 480 BC. This embassy was intended to achieve an understanding between Athens and Xerxes; it also should have meant the dissolution of the Hellenic League.

After Arthmius' journey to Greece informal Persian diplomatic missions were so frequent that they became a characteristic feature of Persian diplomacy. In all known cases of informal Persian missions to Greece the role of messenger was carried out by Asian Greeks, or by political refugees, but there were frequent official visits by Persians. During the First Peloponnesian war Artaxerxes I, the Great King of Persia, sent a certain Megabazus the Persian to Sparta with gold (c. 456 BC). It was a time when many Athenians were fighting against Persia on Cyprus and in Egypt, supporting the revolt of the Egyptians led by Inarus and Amyrteus (462–456 or 460–454 BC). The purpose of the mission, as it is stated by our sources, was to bribe the Spartans and to incite them to invade Attica and so draw off the Athenians from Egypt. In spite of hostile relations between Athens and Sparta, Megabazus' mission failed. Thucydides says: 'Finding that the matter made no progress, and that the money was only being wasted, he [the king] recalled Megabazus with the remainder of the money' (Thuc. 1.109.2–3). The reason for this unsuccessful outcome to Megabazus' mission was that the Spartans, despite their enmity with Athens, were not inclined to discredit themselves by co-operation with the Persians.

The Peace of Callias

The Peace of Callias was not an epoch-making event that ended the Persian wars with Greece, as is commonly supposed. It is not mentioned by either Herodotos or Thucydides in the context of the Persian Wars and the history of the Pentecontaetia. All information about the treaty negotiated by Callias comes from the fourth-century Greek historical tradition (e.g. Ephorus/Diodorus, Theopompus, Callisthenes, Isocrates, Demosthenes, Lycurgus, etc).⁷ Herodotus also finished his *Histories* with the expulsion of the Persians from Greece after the battle of Plataea in 479 BC and was reluctant to tell the story of the continued Graeco-Persian struggle in the period known as the Pentecontaetia (478–431 BC). It is probable that the Graeco-Persian military collisions between the end of the Persian Wars and the Peace of Callias would have been considered by contemporaries in the context of the conflict between Athens and Persia.

⁷ See W. E. Thompson, 'The Peace of Callias in the Fourth Century', *Historia* 30 (1981), 164–77.

Cimon, who was elected an Athenian *strategos* on numerous occasions to make war against Persia in the 470s and 460s BC, initiated the expansion of the Delian League in the Aegean. He liberated many Greek islands and cities of Asia Minor, and might have been the instigator of the Hellenic expedition to Egypt. Cimon died at the time of the siege of Kition c. 450 BC and his death ended the Athenian expedition on Cyprus. Callias, elected as Athenian *strategos*, negotiated a peace treaty with Persia in 449/8 BC. It was only a treaty between Persia, the Athenians and their allies. Sparta, as formal *hegemon* of the Hellenic League, and her allies had not taken part in the continuation of the war against Persia since 478 BC. Therefore some scholars rightly state that Sparta was 'technically' at war with Persia until 412 BC, when she negotiated three treaties of alliance.⁸

The Peace of Callias was the first Helleno-Persian peace treaty concluded between the Athenians and Persians on equal terms. It reflected the final collapse of Persian imperial ambitions to rule over the Greek world. The Peace of Callias resulted in the situation of a balance of power in the Aegean, which lasted from 448 BC at least until the beginning of Persian intervention in the Peloponnesian War on behalf of Sparta in 412 BC. Which clauses in this treaty might reflect the establishment of a balance of power? First of all the condition of delimitation in the Aegean: under this treaty no Persian ship of war should come west of the Phaselis–Chelidonea line and the Cyanean rocks, while Athens on its side covenanted, if the king observed his obligations, not to attack 'the land over which King Artaxerxes rules'.⁹ The treaty included clauses protecting the Asian Greeks who were proclaimed as autonomous.

The strengthening of Athenian power under Pericles promoted the maintenance of a *status quo* in Athenian–Persian relations for more than thirty years. Some scholars argue that the Greeks and the Persians sometimes broke the main conditions of the Peace of Callias. S. K. Eddy stated about the situation after 449/8 BC: 'there were no major operations of fleets numbering hundreds of warships as there had been in the past. Instead, for over thirty years there was a kind of cold war between the

⁸ See M. Amit, 'A Peace Treaty between Sparta and Persia', *Rivista Storica dell'Antichità* 4 (1974), 55–63; D. M. Lewis, *Sparta and Persia* (Leiden, 1977), 93; E. Levy, 'Les trois traités entre Sparte et le Roi', *Bulletin de Correspondance Helléniques* 107 (1983), 229; S. Hornblower, *The Greek World 479–323 B.C.* (London, 1983), 73; D. Kagan, *The Fall of the Athenian Empire* (Ithaca, 1987), 81.

⁹ The sources were collected and translated by C. Fornara, no. 95. The most important piece of scholarship is E. Badian, 'The Peace of Callias', *From Plataea to Potidea* (Baltimore, 1993), 1–72, with further bibliography.

two powers, a situation of vague menace, of raids, of small successes, of countermoves, of embassies and threats.¹⁰

However, G. L. Cawkwell argued for the strict observation of the peace conditions by both parties: 'After the death of Cimon in Cyprus circa 449 BC (Thuc. 1. 112.4) there were no hostilities between Athenian forces and Persian until 412 when the satraps of the Aegean seaboard are found supporting Sparta, and if Diodorus (12.4) is to be trusted, this cessation of hostilities was due to the making of a peace in 449 between Athens and Persia.'¹¹ It may be asserted that all hostile incidents in Graeco-Persian relations in 448–412 BC were connected with the activity of the satraps of Asia Minor (Pissuthnes, satrap of Sardis, and Pharnaces, satrap of Dascyleum), who were mainly responsible for Persian foreign policy toward the Greeks.

A clear sign of the reluctance of the Great King to interfere in Greek affairs in this period is the Samian revolt, when the Phoenician fleet, contrary to all expectations, did not appear in the Aegean to assist the Samians in their fight against Athens in 440 BC, although they were assisted by the Persian satrap at Sardis, Pissuthnes (Thuc. 1.115). The Peace of Callias established also the boundaries for the movement of Persian armies near the Asian seaboard ('three days' journey on foot or one day's journey on horseback'). The observance of these limits may explain why Ionia had no fortified cities in the early years of the Peloponnesian War. There is an opinion that the walls of the Ionian cities could have been destroyed by the Athenians who feared the rebellion of their Asian allies, but this fact demonstrates that these cities were protected by the Peace of Callias' conditions.¹²

The Peace of Callias promoted the further development of Graeco-Persian diplomatic relations. The sources have no detailed information about envoy exchanges between the Peace of Callias and the beginning of the Peloponnesian War (449–431 BC). However, these were years of peace in the Aegean and one can reasonably suppose that a number of Athenian embassies visited the royal Persian court during that time. Plato the philosopher mentions the diplomatic missions of Pyrilampes: 'Pyrilampes is reputed never to have found his equal, in Persia at the court of the great King, or on the continent of Asia, in all

¹⁰ S. K. Eddy, 'The Cold War between Athens and Persia ca 448–412 B.C.', *Classical Philology* 68 (1973), 241.

¹¹ G. Cawkwell, 'The Peace between Athens and Persia', *Phoenix* 51 (1997), 115, 117–18. For a more cautious assessment of the effectiveness of the peace, stressing how favourable it was to the Great King, see Briant, *From Cyrus to Alexander*, 580–2.

¹² Cawkwell, 'Peace between Athens and Persia', 122–5, thought the destruction of the walls was required by the Peace of Callias.

the places to which he went as ambassador, for stature and beauty' (Plut. *Charm.* 158a; cf. Athen. 9.397c–d). Plutarch speaks about him as the friend of Pericles (Plut. *Per.* 13). It is possible that there were ties of friendship (*xenia*) between the house of Pyrilampes and the Persian kings.

Another Greek embassy to Persia which may be dated to before the Peloponnesian War is that of Diotimus, son of Strombichus, to Susa reported by Strabo, quoting Damastes, a Greek historian (Damastes *FGrH* 5. F8 = Strabo. 1.3.1, p. 47). It is impossible to date this mission precisely. M. C. Miller suggests several possible occasions for Diotimus' embassy, including the Samian revolt (440 BC) and the beginning of the Peloponnesian War (431 BC). She also proposes a connection between this mission and the Athenian embassy to Persia mentioned by Aristophanes in his *Acharnians*.¹³ Aristophanes placed the departure of envoys from Athens under archonship of Euthymenes (437 BC: Ar. *Ach.* 65–7). Their return could be dated before the performance of *Acharnians* for first time in Athens (425 BC). So, the envoys could have stayed in Persia for twelve years, but this is hardly likely. Aristophanes says that the envoys had intended to get gold from the Persian king and this may reflect the situation in the early years of the Peloponnesian War. Thucydides records a wish of the Athenians and Spartans to send their embassies to Persia on the eve of the war: 'They resolved to send embassies to the King and to such other of the barbarian powers as either party could look to for assistance' (Thuc. 2.7.1).

The Peloponnesian War

In his second book Thucydides reports a Peloponnesian embassy to Persia which was intercepted *en route* by the Athenians in Thrace and all its members executed: 'At the end of the same summer (430 BC) the Corinthian Aristeus, Aneristus, Nicolaus, and Stratodemus, envoys from Lacedaemon, Timagoras, a Tegean, and a private individual named Pollis from Argos, on their way to Asia to persuade the King to supply funds and join in the war' (Thuc. 2.67.1–5; cf. Hdt. 7.137). The execution of these envoys at Athens looks like a successful attempt by the Athenians to prevent Sparta's rapprochement with Persia. Reasons for this are given in the speech of Archidamus, the Spartan king, who

¹³ M. C. Miller, *Athens and Persia in the Fifth Century BC: A Study in Cultural Receptivity* (Cambridge, 1997), 110. On the dating of Diotimus' mission: Hofstetter, *Die Griechen in Persien*, 53 n. 9; Lewis, *Sparta and Persia*, 60 n. 70; D. Hegyi, 'Athen und die Achämeniden in der zweiten Hälfte des 5 Jahrhunderts v.u.Z.', *Oikoumene* 4 (1983), 56.

stressed the Spartans' need to seek help from the barbarians because of the lack of necessary resources for the war (Thuc. 1.79.3-4, 82.1). It is possible, as Aristophanes attests, that a Spartan embassy reached Persia c. 425 BC (Ar. *Ach.* 645-51). The Persian answer to the Spartan approaches was the diplomatic mission of Artaphernes to Sparta in 425 BC, intercepted at Eion on the Strymon by Aristides, son of Archippus, the Athenian *strategos*. Thucydides says the Persian was conducted to Athens where the Athenians got his dispatches translated and then read them. These dispatches gave the answer of Artaxerxes I to the Spartans: 'With numerous references to other subjects, they in substance told the Lacedaemonians that the King did not know what they wanted, as of the many ambassadors they had sent him no two ever told the same story; if however they were prepared to speak plainly they might send him some envoys with this Persian' (Thuc. 4.50.1-3). As we saw, this mission failed. The Athenians quickly arranged their own embassy to Persia, which, escorted by Artaphernes, reached Ephesus, but the rumours of the king's death at Babylon stopped this mission.

Another embassy from Athens including Epilycus, son of Teisander, maternal uncle of the orator Andocides, negotiated a peace treaty with Darius II (Andoc. 3.29). Most scholars consider Epilycus' peace treaty as the renewal of the Peace of Callias, since it was negotiated after the accession of the new king in Persia in 424/3 BC. However, Andocides' report (3.29) on this treaty mentions a new clause of 'eternal friendship', which was inappropriate under the Peace of Callias and may be explained by the changed conditions of the Peloponnesian War.¹⁴ The existence of this treaty is proved also by an Athenian honorific decree for Heraclides, a Clazomenian, who could have acted as an interpreter during the negotiations on *spondai pros basilea* ('the treaty with the King') (IG i³ 227 = ML 70; trans. Fornara, no. 138).

Epilycus' peace treaty was a short-lived event and was broken, on the one hand, by the Athenians who supported Amorges' revolt against Darius II, and on the other hand, by the king, who, after the Athenian disaster in Sicily in 413 BC, ordered his satraps in Asia Minor to establish diplomatic relations with Sparta. In the winter of 413/12 BC Tissaphernes, satrap of Sardis and general-in-chief, sent his ambassador to Sparta to discuss waging war against Athens and negotiate a treaty of alliance with the Spartans (Thuc. 8.5.5). At the same time Sparta was visited by messengers from Pharnabazus, satrap of Dascyleum. They

¹⁴ On Epilycus' peace treaty: W. E. Thompson, 'The Athenian Treaties with Halai and Dareios the Bastard', *Klio* 53 (1971), 119-24; A. Blamire, 'Epilycus' Negotiations with Persia', *Phoenix* 29 (1975), 21-6; Lewis, *Sparta and Persia*, 76f.

were Kalligeites of Megara and Timagoras of Cyzicus, both Greek exiles, who brought with them twenty-five talents of silver. They intended to persuade the Spartans to send a military force to the Hellespont (Thuc. 8.6.1). The two Persian satraps pursued rival policies, but Sparta accepted Tissaphernes' proposals. In the spring of 412 BC a Peloponnesian fleet commanded by Chalcideus, the Spartan *naumarchos* (admiral), sailed for Ionia to co-operate with Tissaphernes. The Spartan decision, other factors excepted, may be explained by the official character of Tissaphernes' appeal to Sparta. Thucydides uses the word '*presbeutes*' (ambassadors) when he reports on the embassy from Tissaphernes, but he describes Pharnabazus' messengers as '*pempsantos Pharnabazou*' (those sent by Pharnabazos) and his phrase suggests an unofficial deal by this satrap with Sparta.

The Spartans negotiated three treaties with the Great King of Persia in 412–411 BC and agreed to hand over the Asian Greeks to the Persians in exchange for financial support of their fleet (Thuc. 8.18.1–3, 37.1–5, 58.1–7 = *StV*. no. 200–2).¹⁵ Good Spartan–Persian diplomatic relations prevailed for the rest of the Peloponnesian War, and were dangerous for Athens. After 410 BC a Spartan embassy led by Boeotius travelled to Persia because of the break with Tissaphernes who, as the Spartans asserted, was guilty of failure to respect his treaty's obligations. Tissaphernes was not able to bring the Phoenician fleet into the Aegean, nor did he provide the Spartans with money in sufficient amounts and on time (Xen. *Hell.* 1.4.2).

D. M. Lewis proposed that Boeotius and his colleagues negotiated a treaty with Darius II and as a result the king sent his younger son Cyrus to Asia Minor with orders to co-operate with the Spartans. The treaty is hypothetical. It has been accepted as a real event by some scholars and rejected by others.¹⁶ The Athenians also twice attempted to negotiate agreements with Persia for the rest of the Peloponnesian War. In 411 BC Peisander and his colleagues discussed the conditions of a treaty with Tissaphernes, but, according to Thucydides, were prevented from reaching an agreement by Alcibiades' interference (Thuc. 8.56).¹⁷ In 409 BC the Athenians attempted to get their ambassadors' access to the

¹⁵ Lewis, *Sparta and Persia*, 50; A. W. Gomme et al. *A Historical Commentary on Thucydides* (Oxford, 1945–81), vol. v, 40–2, 79–82, 138–46; Levy, 'Trois traités', 221–42; Kagan, *Fall of the Athenian Empire*, 47–9, 80–2, 98–101.

¹⁶ Treaty of Boeotius: Lewis, *Sparta and Persia*, 123ff; C. J. Tuplin, 'The Treaty of Boiotios', in H. Sancisi-Weerdenburg and A. Kuhrt (eds.), *Achaemenid History* (Leiden, 1987), vol. II, 133–53; P. Cartledge, *Agisilaos and the Crisis of Sparta* (London, 1987), 189–90; A. G. Keen, 'Persian Policy in the Aegean, 412–386 BC.', *Journal of Ancient Civilization* 13 (1998), 103.

¹⁷ See Lewis, *Sparta and Persia*, 130 n. 133.

Great King of Persia secured by a treaty negotiated with Pharnabazus – the so-called treaty of Chalcedon (Xen. *Hell.* 1.3.8–9; Plut. *Alcib.* 31; Diod. 13.66.3).¹⁸

In this period the Persian satraps were mainly responsible for relations with the Greeks, and the Great King of Persia was reached by Greek embassies only on very specific occasions. Some Greek authors present the satraps' policy toward the Greeks as the maintenance of a balance of power in the Greek world. Thucydides says that Tissaphernes was convinced to pursue this policy by Alcibiades, who acted in his own interests (Thuc. 8.46.1–2). Thucydides uses such phrases to describe Tissaphernes' policy as *echein d' amphoterous ean dica ten archen* (each of the two having their separate area of control; 8.46.1) and *epanisoun tous Hellenas pros allelous* (putting the Greeks on equal terms with each other; 8.57.2), which stress the maintenance of a balance of power among the Greeks.¹⁹ Thucydides records the Spartans accusing Alcibiades and Tissaphernes of 'playing a double game' (Thuc. 8.85.2). This policy, which appeared then for the first time, became a characteristic feature of Persian diplomacy toward the Greeks in the fourth century BC, as was realised also by Xenophon (*Hell.* 1.5.9) and Demosthenes (10.51). The financial power of Persia was the dominant factor in the development of Graeco-Persian diplomacy from the Peloponnesian War onwards. The Greeks understood the weakness and imperfection of the Persian system for their financial support in alliance with Persia, and considered the Great King and his satraps responsible for the lack of money.

There are two cases of Persian diplomatic missions to Greece in the period from 412 to 404 BC. In 411 BC Tissaphernes sent his diplomatic agent, Gaulitas, who was bilingual, to Sparta aiming to explain himself to the Spartans for his 'double game playing'. Another Persian embassy to Sparta was sent by Cyrus the Younger in 405 BC, requesting that the Spartans appoint Lysander to the post of *nauarchos*. After the first appointment of Cyrus as satrap and general-in-chief in Asia Minor and Lysander's election as *nauarchos* at Sparta (408 BC), Graeco-Persian relations were more determined by personal ties between the influential Greeks and Persians. These personal ties were another important factor in the development of Graeco-Persian diplomacy.

¹⁸ Treaty of Chalcedon: M. Amit, 'Le traité de Chalcédoine entre Pharnabaze et les stratèges athéniens', *L'Antiquité Classique* 42 (1973), 436–57. The Athenian decree for Euagoras of Salamis records an attempt at negotiations with Persia, because it mentions Tissaphernes and the Persian king (*IG* i³ 113.1, 34).

¹⁹ Tissaphernes' policy: H. D. Westlake, 'Tissaphernes in Thucydides', *Classical Quarterly* 35 (1985), 43–54; T. Aidonis, 'Tissaphernes' Dealings with the Greeks', *Classica et Mediaevalia* 47 (1996), 89–108.

After the Peloponnesian War

Sparta defeated Athens in the Peloponnesian War, and established herself as *hegemon* of the Greek world. After their victory the Spartans continued to co-operate with Persian satraps. Their most fruitful relations were with Pharnabazus and, especially, Cyrus the Younger. The Spartan support of Cyrus' revolt against his brother, Artaxerxes II (404–359 BC), resulted in the Spartan–Persian war of 400–394 BC and provided one reason for the subsequent hostile attitude of the new Persian king toward Sparta. Plutarch quoting Dinon, a Greek historian who wrote in the fourth century BC, supposes that Artaxerxes abominated the Spartans and considered them to be the most impudent men alive (Plut. *Artax.* 22).

The Spartan–Persian war waged in Asia Minor between the Spartan commanders Thibron, Derkylides and Agesilaus and the Persian satraps Tissaphernes and Pharnabazus was a period when diplomacy continued to be very important in Graeco-Persian relations.²⁰ The truces concluded between the Spartans and Persians served as the means to maintain a state of peace during the war in Asia. The Persians tried to establish diplomatic relations with Sparta's opponents in Greece, and this resulted in a number of exchanges of envoys between them. In 398/7 BC an Athenian embassy including Hagnias and Telesgoras departed for Persia but was intercepted *en route* and executed by the Spartans (*Hell. Oxy.* 7(2).1; Harpocr. s.v. *Hagnias* = Androtion *FGrH* 324 F18 = Philoch. *FGrH* 328 F147; Isaeus. 11.8).²¹ In 395 BC Timocrates the Rhodian went on his unofficial mission to Greece, sent jointly by Tithraustes, the Persian *chiliarchos*, and Pharnabazus. The goal of Timocrates' mission was to deliver Persian gold worth fifty silver talents (10,000 darics) and distribute it among the leading Greek politicians at Athens, Thebes, Corinth and Argos (Xen. *Hell.* 3.5.1; *Hell. Oxy.* 7(2).2–5, 13(17).1; Paus. 3.9.8; Plut. *Ages.* 15, *Artax.* 20; Polyae. 1.48.3). Xenophon and the Oxyrhynchus Historian agree that Timocrates' money was a bribe to the politicians in the Greek city-states, which prompted all the largest states to unite to wage war against Sparta, and Xenophon stresses that it was the main factor in the origins of the Corinthian War.²²

²⁰ For a detailed account of the Spartan–Persian war see H. D. Westlake, 'Spartan Intervention in Asia, 400–397 B.C.', *Historia* 35 (1986), 405–26.

²¹ On this embassy: I. A. F. Bruce, 'Athenian Embassies in the Early Fourth Century B.C.', *Historia* 15 (1966), 276.

²² On Timocrates' mission: M. L. Cook, 'Timokrates' 50 Talents and the Cost of Ancient Warfare', *Erano* 88 (1990), 69–97.

The Corinthian War of 395–387 BC resulted in the appearance of several new features in relations between the Greeks and Persia, including, first of all, diplomacy by conference in the form of peace negotiations at Sardis and Sparta of 393–392 BC. These diplomatic conferences were attended by representatives of all the main belligerents, namely the Spartans, Athenians, Corinthians and Argives. They discussed the conditions of a common peace (*koine eirene*) for all Greeks (Xen. *Hell.* 4.8.12–16; Philoch. *FGrH* 328 F149a–b). However, the first conference originated from peace negotiations between the Spartans and the Persians. When the Spartans sent Antalcidas to Asia, they hoped to end the war with Persia and convince Tiribazus, the Persian satrap at Sardis, of the advantages of an alliance with Sparta to co-operate against her enemies in Greece. This Spartan policy was crowned by success only in 387/6 BC, when Antalcidas negotiated at Susa the ‘eternal friendship’ between the Spartans and Artaxerxes II (Isoc. 4.128), and the king ‘sent down’ his rescript with peace conditions for all Greeks. This rescript was sworn to by Greek envoys at the meeting in Sardis.²³

The King’s Peace

The peace conditions agreed in 386 BC, as Xenophon states them, look like a great Persian diplomatic victory:

The King, Artaxerxes, deems it just that the cities in Asia, with the islands of Clazomenae and Cyprus, should belong to himself; the rest of the Hellenic cities he thinks it just to leave independent, both small and great, with the exception of Lemnos, Imbros, and Scyros, which three are to belong to Athens as of yore. Should any of the parties concerned not accept this peace, I, Artaxerxes, will wage war against him or them with those who share my views. This will I do by land and by sea, with ships and with money. (Xen. *Hell.* 5.1.31)

The King’s Peace ended the Corinthian War.²⁴ It was also a new kind of agreement between Greeks and Persians, under which the Persian king was not only a contracting party, as he was in the Peace of Callias and the Spartan–Persian allied treaties, but he also established himself as the guarantor of the peace conditions, proclaiming that he would wage war against all disturbers of the peace. How far did Persia dominate

²³ For a more detailed analysis and discussion of the circumstances of the common peace and its significance in the Greek world see the chapter by P. J. Rhodes in this volume.

²⁴ The bibliography of the King’s Peace is extensive; for discussion see E. Badian, ‘The King’s Peace’, *Georgica: Greek Studies in Honor of G. Cawkwell*, *Bulletin of the Institute of Classical Studies Supplement* 58 (1991), 25–48.

the Greeks in the period from the King's Peace to the rise of Macedon?²⁵ It may be argued that the period 386–380 BC was the culmination of Persian influence upon Greek affairs.

According to Isocrates' *Panegyrikos* (c. 380 BC), the Persian king was the one who stood guard over the peace, decided the issue of war, directed the terms of peace, and presided over Greek affairs (Isocr. 4.121, 175). Isocrates' judgement may be considered as rhetorical exaggeration, intended to inspire anti-Persian feelings among his fellow Athenians and other Hellenes, and thereby convince them to launch a campaign against the barbarians. However, there are some traces of respect for the conditions of the King's Peace in a number of Greek diplomatic documents. An Athenian public decree proclaiming the alliance with the Chians (c. 383 BC) refers to the '*common agreements* that have been written by the Hellenes, namely that they [the Chians] will maintain, like the Athenians, *the peace and the friendship and the oaths and the treaties* that are in existence, which were sworn by the King and the Athenians and the Lacedamonians and the other Hellenes' (Tod. 2.118, 5–20; trans. Harding, no.31); the Athenians committed to treat the Chians as their allies on terms of *freedom and autonomy* (ll.20–1). In the Charter of the Second Athenian Confederacy (378/7 BC) it is stated that 'if anyone wishes, of the Hellenes, or the barbarians who are living on the mainland, or of the islanders, as many as *are not subject to the King*, to be ally of the Athenians and of their allies, it shall be permitted to him [to do so], remaining free and autonomous, living under whatever constitution he wants, neither receiving a garrison nor having a governor imposed upon him nor paying tribute' (Tod. 2.123, 10–24; trans. Harding, no.35). To crown it all, the conditions of the King's Peace were renewed in the common peace of 375/4 BC, as Philochorus explicitly states (Philoch. *FGrH* 328. F151).

There is no doubt that the king's influence upon Greek affairs was maintained by Sparta's dominant position in Greece. This was owing to the position of the Spartans as the defenders (*prostatai*) of this peace, which had been obtained by them because of their friendship with Persia. When Sparta lost her hegemony after the battle of Leuctra in 371 BC, the King of Persia was deprived of the key agent for his dominance of Greek affairs. In the 360s BC most Persian diplomatic actions were fruitless. In 369/8 BC Artaxerxes II ordered Ariobarzanes,

²⁵ For a review of scholars' opinions on this problem: M. Zahrnt, 'Hellas unter persischen Druck? Die griechisch-persischen Beziehungen in der Zeit vom Anschluss des Königsfriedens bis zur Gründung des Korinthischen Bundes', *Archiv für Kulturgeschichte* 65 (1983), 250–1. Most scholars consider the fourth century as a period of Persian dominance over the Greeks.

satrap of Dascyleum, to send Philiscus of Abydos to Greece. Philiscus gathered the envoys from various Greek states, including the Thebans and their allies, and the Spartans, at the conference in Delphi where he proposed the conditions of a Common Peace supported by the king. This conference was unsuccessful. The king's conditions of peace were favourable for Sparta but damaging to the interests of the Thebans who, after the victory at Leuctra, had become the new *hegemonoi* of Greece: 'when the Thebans refused to acquiesce in the dependency of Messene upon Lacedaemon, Philiscus set about collecting a large foreign brigade to side with Lacedaemon and to prosecute the war' (Xen. *Hell.* 5.1.27; cf. Diod. 15.70.3). After the conference at Delphi and Ariobarzanes' revolt against the king in 367/6 BC, Artaxerxes transferred his backing from Sparta to Thebes. In the peace conference at Susa in 367 BC envoys from various Greek states, this time including the Spartans, Athenians, Thebans, Eleans and Arcadians, discussed peace conditions favourable for Thebes. The Thebans were unable to convince the Greeks to ratify this peace treaty (Xen. *Hell.* 7.1.33–40; Plut. *Pel.* 30–1, *Artax.* 22).

During the 360s BC there were a number of revolts in the Achaemenid Empire, involving not only satraps (Datames, Ariobarzanes, Autophradates, Orontes, Mausolus), but also many peoples from the Asian coastline (the Ionians, Lycians, Pisidians, Pamphilians, Cilicians, Syrians, Phoenicians, etc) and the Egyptians under King Tachos (Diod. 15.90.3). As Diodorus stresses, the revolts were so extensive that half the revenues of the king were cut off and what remained was insufficient for the expenses of the war (Diod. 15.90.4). There were substantial differences in the attitudes of various Greek states toward the Great Satraps' Revolt of 362/1 BC. The Spartans were offended by the Persian support given to their enemy, Thebes, and sided with the rebellious satraps: they concluded alliances with Ariobarzanes and Tachos of Egypt, and sent them mercenary forces under the aged King Agesilaus (Xen. *Ages.* 2.26; Plut. *Ages.* 36–40).

While Thebans pursued a philo-Persian foreign policy and hoped to benefit from the conference at Susa of 367 BC, the Athenians also were dissatisfied with the king's attitude to them, especially the royal rescript ordering the Athenians to lay up their ships of war, but their relations with Artaxerxes II were more cautious. They wished to preserve neutral relations with the Persian king as well as the rebels. So, on the one hand, the Athenians rewarded Strato, King of Sidon for his assistance to the embassy travelling to the Persian royal court (Tod 2.139; trans. Harding, no.40).²⁶ On the other hand, they sent the *strategos* Timotheus to aid

²⁶ R. A. Moysey, 'The Date of the Strato of Sidon Decree (*IG* II² 141)', *American Journal of Ancient History* 1 (1976), 182–9.

Ariobarzanes, adding to the decree the phrase 'provided he does not break the treaty with the King' (Dem. 15.9). J. Heskell has proposed that this last phrase was the Assembly's addition to the main decree and had been voted after the departure of Timotheus for Asia Minor.²⁷ Around 360 BC the Athenians gave some honours to envoys from Tachos, the King of Egypt, as an inscription attests (*IG* ii² 119), and the Athenian *strategos* Chabrias departed for Tachos at the head of Greek mercenary force without the approval of the Athenian *demos* (Plut. *Ages.* 37).

The Athenian Assembly might have been responsible for the cautious reply to an ambassador from the satraps stated in one inscription:

They [the Hellenes] are not aware that the King has any war against them, If therefore he keeps quiet and does not set the Hellenes against each other and does not, in the case of the *peace* that we now have, attempt to dissolve it by any device at all or by stratagem, we too shall be at peace with the King. But if he makes war against any of those who share the treaty with us or makes trouble for any of them with a view to the dissolution of this peace, either in person against the Hellenes who have made this peace or through someone else from his territory, we shall defend ourselves jointly. (Tod. 2.145; trans. Harding, no. 57)

Thus, by 362/1 BC a decline in the influence of the King's Peace upon Greek affairs had become apparent in the different attitudes of various Greek states towards the Persians. Furthermore, the Persian king was not included in the Common Peace treaty (*koine eirene*) signed by the Greeks after the battle of Mantinea in 362/1 BC.

The rise of Macedon

The rise of Macedon in the 350s–340s BC re-ignited the issue of Greek relations with Persia. Philip II's policy towards the Greeks prompted the Athenians and Thebans not only to unite with one another, but also to seek Persian assistance. In this period only the Thebans continued to be on friendly terms with the Persian king. In 351 BC they received a gift of Persian money worth 300 talents, which was spent on Theban participation in the Third Sacred War (Diod. 16.40.1–2). The Athenians pursued their policy of non-involvement in Persian affairs until the end of 340s BC. In 356 BC they recalled from Asia, in accordance with the king's demand, their *strategos* Chares who was at the head of a mercenary force in the service of Artabazus, the rebellious satrap of Dascyleum (Diod. 16.22.1–2, 34.1–2; *FGH* 105. F1; Schol. Dem. 3.146a, 4.84b).²⁸ In 351

²⁷ J. Heskell, *The North Aegean Wars, 371–360 BC* (Stuttgart, 1997), 96–7.

²⁸ Cf. R. A. Moysey, 'Chares and Athenian Foreign Policy', *Classical Journal* 80 (1985), 221–7.

BC there were rumours spread at Athens about the preparations for a Persian expedition against the Greeks, and they were discussed by the Assembly, as Demosthenes' speech '*On Symmories*' shows (Dem. 14 *passim*; Liban. ad. Dem. 14.1-2; cf. Diod. 16.22.2). When King Artaxerxes III Ochus (359-338 BC) was preparing a second expedition to re-conquer Egypt in 344 BC, Greece was visited by Persian envoys requesting mercenaries. As a result Theban and Argive forces departed for Asia to serve under Persian command. The Athenians and the Spartans, however, abstained from taking part in this expedition. In 344/3 BC the Athenians received a Persian embassy which proposed terms of friendship with Artaxerxes, and their reply was the same as in the inscription cited above: 'They would remain at peace with the Great King if he did not attack the Greek cities'. This reply is called by Didymus more haughty than it was necessary (Didym. 8.1.8 = Philochorus *FGrH* 328. F157; Androton *FGrH* 324. F53; Anaximenes *FGrH* 72. F28).²⁹

Persia and the Athenians were not allied with one another in 340 BC when Philip II went to war against some Greek cities in the Hellespontine area and the Propontis, resulting in the sieges of Perinthus and Byzantium, and sent his expeditionary forces commanded by Attalus and Parmenio to Asia Minor. It is probable that there was the possibility of such an Athenian-Persian alliance against Macedonia, but it was prevented by Greek defeat in the battle of Chaeronea in 338 BC.

Features of Graeco-Persian diplomatic relations

When one considers general issues in Graeco-Persian diplomacy one needs to answer a number of questions. How was the selection or appointment of Greek ambassadors determined? Of what size were the embassies? Which routes were taken by ambassadors? What were the circumstances of the ambassadors' reception, and how did the course of negotiations proceed? Certainly, all these questions are answered only by our Greek sources with the Greek point of view. Recently M. C. Miller has attempted to consider Oriental material; however, it is hard to find in the Persian documents anything concerning the history of Persian diplomacy toward the Greeks.³⁰

²⁹ G. L. Cawkwell, 'Demosthenes' Policy after the Peace of Philocrates. I', *Classical Quarterly* 13 (1963), 121-3, 127-30, 136-8; N. G. L. Hammond and G. T. Griffith, *A History of Macedonia* (Oxford, 1979), vol. II, 484; E. M. Harris, 'More Chalcenic Negligence', *Classical Philology* 84 (1989), 36-44; J. Buckler, 'Philip II, the Greeks and the King 346-336 BC', *Illinois Classical Studies* 19 (1994), 60-77.

³⁰ Miller, *Athens and Persia*, 117-30.

How was the choice of ambassadors made in the Greek city-states? It can be supposed that the Greeks, when selecting their envoys to Persia, took into account both their experience of negotiations and the personal hereditary connections between them and the Persians. Thus, in Athens personal ties with the Persian royal house were considered in the choice of Callias and Pyrilampus as ambassadors to Persia; they were thought as significant for including Conon in the Athenian embassy to Sardis (Xen. *Hell.* 4.8.13). The Spartans sent to Persia Nicolaus and Stratodemes who were the sons of Bulis and Sperthius, who had departed for Persia one generation earlier (Hdt. 7.137). The Thebans sent to Susa Ismenias (2) as one of envoys (Plut. *Artax.* 22) who was the son of Ismenias (1), accused of medism and executed at Thebes c. 382 BC. Xenophon lists the accusations against Ismenias (1): 'He was accused of playing into the hands of the barbarian; of seeking amity with the Persians to the detriment of Hellas; of accepting sums of money as bribes from the King' (Xen. *Hell.* 2.35).³¹

However, more than personal or hereditary ties with the Persians underlay the choice of ambassadors from the Greek states. Sometimes the Greeks chose as their envoys the most influential politicians and prominent generals whose authority could influence the outcome of negotiations. Thus, it is possible that Callias concluded the peace of 449 BC by virtue of his office. He was elected as *strategos* after the death of Cimon on Cyprus c. 450 BC (Aristod. *FGrH* 104. F13.2; Suid. s.v. *Kallias*). Epilycus, some scholars think, was appointed to serve on an embassy to Persia as a member of the Council for 424/3.³² In the cases of Pisander (411 BC) and Epicrates (393 BC) the Athenians chose men from leading political groups for their embassies to Persia. Alcibiades in 408 BC took part in organizing an Athenian embassy which included his *protégés* Euripptolemus and Mantitheus (Xen. *Hell.* 1.3.13).³³ Epicrates and Cephalus were responsible for the sending of Hagnias and Telesegoros to Persia in 398/7 BC (*Hell. Oxy.* 7(2).1). Conon was renowned as the victor at Cnidus when he departed for Sardis in 393 BC.

Xenophon notes on the sending of Pelopidas by the Thebans to Persia in 367 BC: 'In addition, there were two things which contributed to raise the prestige of Thebes, and redounded to the honour of Pelopidas. These were the victory of the Thebans at Leuctra, and the indisputable

³¹ S. Dušanič, 'Le medisme d'Ismenias et les relations greco-perses dans la politique de l'Academie platonienne (383–378 av. J.C.)', *La Beotie antique* (Paris, 1985), 227–39.

³² H. T. Wade-Gery, 'The Peace of Callias', in *Essays in Greek History* (Oxford, 1958), 209–10; Blamire, 'Epilycus' Negotiations with Persia', 24.

³³ Amit, 'Le traité de Chalcédoine', 452 n. 16.

fact that they had invaded and laid waste the territory of Laconia' (Xen. *Hell.* 7.1.35). Plutarch says of the same episode:

Now the Thebans, understanding that the Spartans and Athenians had sent an embassy to the Persians for assistance, themselves, likewise, sent Pelopidas; an excellent design to increase his glory, no man having ever before passed through the dominions of the King with greater fame and reputation. For the glory that he won against the Spartans did not creep slowly or obscurely; but, after the fame of the first battle at Leuctra was gone abroad, the report of new victories continually following, exceedingly increased, and spread his celebrity far and near. Whatever satraps or generals or commanders he met, he was the object of their wonder and discourse. 'This is the man,' they said, 'who has beaten the Lacedaemonians from sea and land, and confined that Sparta within Taygetus and Eurotas, which, but a little before, under the conduct of Agesilaus, was entering upon a war with the great King about Susa and Ecbatana.' (Plut. *Pelop.* 30)

It is apparent that the success of the Theban embassy was due to the achievements of Pelopidas.

The size of none of the Greek embassies to Persia is recorded in our sources. D. J. Mosley suggested that embassies to the Persian court were smaller than those to Greek cities.³⁴ M. Miller noted that the Athenians and other Greeks most commonly sent three men per embassy, but two, five, or ten were also possible.³⁵ This opinion seems to be right since it supposes that the size of any Greek embassy to Persia was not strictly defined. Callias is described by Diodorus as the head of 'plenipotentiary ambassadors' (*presbeis autokratores*; Diod. 12.4.5), meaning that they were empowered to conclude the treaty without its further ratification by the Athenian Assembly.³⁶ The envoys sent from Athens to the Persian court possessed some letters from Council instructing them for future negotiations (Andoc. 3.35; Dem. 19. 277-9).

There are three routes by which the Greek and Persian heralds, messengers or envoys typically travelled to their destinations: a route via the Hellespont, another via Cilicia or Phoenicia, and one along the Royal Road via Ionia and Sardis. The Greek envoys to Persia were helped by Persian satraps who provided a guard for such embassies and secured their safety on the journey. The satraps' mediation was preferable from the Greek viewpoint, since the satraps, as the highest Persian officials in

³⁴ D. J. Mosley, 'The Size of Embassies in Ancient Greek Diplomacy', *Transactions of the American Philological Association* 96 (1965), 260.

³⁵ Miller, *Athens and Persia*, p.112.

³⁶ On the *presbeis autokratores*: Andoc. 3.33-4; A. Missiou-Lady, 'Coercive Diplomacy in Greek interstate relations (with Special Reference to Presbeis Autokratores).', *Classical Quarterly* 37 (1987), 336-45; F. S. Pownall, 'Presbeis Autokratores: Andocides' *De Pace*', *Phoenix* 49 (1995), 140-9.

Asia Minor, were experts in Greek affairs, as well as in the life of the Persian court. It is probable that the most popular route was along the Royal Road, travel by which from Ephesus to Susa would have taken three months (Hdt. 5.53). The popularity of this route could be explained by the importance of Lydia and the Ionian cities for ancient trading, political and cultural connections between Greece and the Near East. Such a route was taken by the Athenian embassy to Artaxerxes I in 425 BC, accompanied by Artaphernes (Thuc. 4.50.3).

The first cases of Greek embassies travelling via the Hellespont relate to the period of the Peloponnesian War. In 430 BC three Spartan ambassadors hoped to reach Persia helped by Pharnaces, son of Pharnabazus, the Persian satrap of Dascyleum, although, as was mentioned above, they were intercepted by the Athenians in Thrace and executed at Athens (Thuc. 2.67.1–3). In 409 BC the Athenian *strategoí* negotiated a treaty with Pharnabazus, son of Pharnaces, by which he promised to conduct their embassy to the king. In the spring of 408 BC the Athenians, Spartans and Argives took the route via the Hellespont for their journey to Persia, but they were stopped by the news from Boeotius and his colleagues (Xen. *Hell.* 1.3.11–13, 4.1–7).

When Diotimus' embassy reached Susa, he probably sailed to Cilicia, went overland to Tapsacus, and sailed down the Euphrates (Damastes *FGRH* 5. F8 = Strabo 1.3.1). This route may be considered as most appropriate because of the hegemony of the Athenians in the Aegean. In the 360s BC another Athenian embassy travelled to Persia via Phoenicia helped by Strato, the King of Sidon, as an Athenian inscription records (*IG* ii². 141.1–4 = Tod. II, 139).³⁷

The Greek envoys' journey to Persia by the Royal Road could take more than three months, but shorter trips were also possible. Thus, Diotimus' embassy reached Susa in forty days, and 'perhaps the unusual choice of route was conditioned by the need for speed and the hesitation to rely on the Anatolian satraps to expedite the journey'.³⁸ The sources report that the king usually received embassies at Susa, which was one of the capitals of the Persian Empire. Susa was visited by Callias and Diotimus, Antalcidas and the members of Greek embassies of 367 BC. According to Xenophon, the Persian king spent the three months of the spring at Susa, two summer months at Ecbatana, and the remaining seven months at Babylon (Xen. *Cyrop.* 8.6.22). Athenaeus (more plausibly) makes it winter at Susa, summer at Ecbatana, autumn at Persepolis, and Babylon for the rest of the year (Athen. 12.513f). Miller notes that

³⁷ Moysey, 'Strato of Sidon Decree', 185; Miller, *Athens and Persia*, 117.

³⁸ Miller, *Athens and Persia*, 117.

'Babylon, closer to the West and the fourth of the King's annual places of residence, would reasonably be considered a place for receiving embassies, but none are attested there.'³⁹ There is evidence of a visit to Ecbatana by Greek envoys in Aristophanes' play *Acharnians* (Ar. *Ach.* 64).

The Greeks coming to the Persian king could stay temporarily at the satrapal courts, requesting the satraps to serve as mediators in their relations with the king. In 408 BC the Greek envoys met with Pharnabazus at Cyzicus and then continued their journey to the king (Xen. *Hell.* 1.3.13). In dealing with royal courts one could not expect to act with speed unless it was in the interest of both parties. Waiting for an audience could cause delays; trying to meet even the satrap at Sardis required patience. Thus, Aristophanes in the *Acharnians* depicts the long wait for the king who is away on campaign. Callicratides, the Spartan *nauarchos*, was annoyed at waiting attendance on Cyrus the Younger at Sardis (Xen. *Hell.* 1.6.7). On the fourth-century comic stage, the *hetaira* *Lais* was said to have been more difficult to approach than even Pharnabazus (Epikrates, *PCG* v. *Antilais* fr. 3.11–13 = Athen. 13.570b).

The Greek envoys visiting the king's court reported their business to a Persian official named a *chiliarchos* by Greek authors (the head of the King's Guard). They were admitted to the king, but were permitted to speak with him only after the performance of *proskynesis*. Timagoras, an Athenian envoy, performed *proskynesis* and was rewarded by the Persian king (Athen. 2.31). Plutarch records the case of coming of a Theban delegation at Susa: 'Ismenias, also, the Theban, and Pelopidas, who had already gained the victory at Leuctra, arrived at the Persian court; where the latter did nothing unworthy of himself. But Ismenias, being commanded to do obeisance to the King, dropped his ring before him upon the ground, and so, stooping to take it up, made a show of doing him homage' (Plut. *Artax.* 22).

Persian officials were deeply involved in relations with the Greeks. The satraps not only escorted the Greek embassies to the Persian royal court, but also played a leading role in negotiating peace treaties, and were responsible for their observance by the Persians. We know that the king often sent his satraps a letter with some instructions.⁴⁰ Diodorus begins his report about the conclusion of the Peace of Callias with the following note: 'Artaxerxes the King, however, when he learned of the reverses his forces had suffered at Cyprus, took counsel on the war with

³⁹ *Ibid.*, 117.

⁴⁰ The king's letters to satraps are reported by ancient authors: Diod. 12.4.4 (Artabazus and Megabyzus); Thuc. 8.5.5, 6.1 (Tissaphernes and Pharnabazus); Xen. *Hell.* 1.4.3–4 (Cyrus the Younger); Diod. 14.80.7 (Tithraustes) etc.

his friends and decided that it was to his advantage to conclude a peace with the Greeks. Accordingly he dispatched to the generals in Cyprus and to the satraps *the written terms* on which they were permitted to come to a settlement with the Greeks. Consequently Artabazus and Megabyzus sent ambassadors to Athens to discuss a settlement' (Diod. 12.4.4–5). According to Aristodemes, Callias 'made a treaty with Artaxerxes and *the rest of the Persians*', that is probably, Artabazus and Megabyzus (Aristod. *FGrH* 4 F.13.1).

The Spartan–Persian allied treaties were concluded not only with King Darius II, but also with the satrap Tissaphernes, who was ordered to co-operate with the Spartans in the war against Athens (Thuc. 8.18.1, 37.1, 58.1). The third treaty mentions other Persians (Hieramenes and the sons of Pharnaces), but their position in Asia Minor is obscure (Thuc. 8.58.1). In the early fourth century BC Tiribazus, the satrap of Sardis, twice served as mediator in Greek relations with the king (Xen. *Hell.* 4.8. 12–16, 5.1.25). V. Martin points out that the king cannot be imagined as swearing an oath, on equal terms, to a Greek city. Rather he sent down an edict setting out his terms, as they 'seem just' to him.⁴¹

In fact, there are three references in our fourth-century Greek sources to the royal rescripts, setting out the king's terms of peace. Philochorus reports that the Greeks discussed the king's terms at the conference in Sparta: 'In the archonship of Philokles of Anaphlystos [392/1]: And the peace, the one in the time of Antalcidas, was sent down by the King. But the Athenians did not accept it, because there had been written in it that the Greeks who were living in Asia should be all in the King's household accounted members' (Philoch. *FGrH* 328. F149b, trans. Harding, no.23A).⁴²

Xenophon describes the swearing of an oath to a royal rescript (*ta gegrammena*) announced by Tiribazus to the Greeks at the meeting in Sardis in 387 BC (Xen. *Hell.* 5.1.31). At the meeting in Thebes in 367 BC the Greeks heard another royal rescript (*ta grammata*), delivered by a Persian messenger and sealed by the king. It set down the king's terms of Common Peace for all Greeks negotiated at Susa by Greek envoys. However, the Greeks refused to swear an oath to them (Xen. *Hell.* 7.1.39–40). So, one can say the participation of the Great King at the conclusion of the treaties with the Greeks may be considered as 'sending

⁴¹ Badian, *From Plataea to Potidaea*, 41; V. Martin, 'Le traitement de l'histoire diplomatique dans la tradition littéraire du ive siècle avant J. C.', *Museum Helveticum* 1 (1944), 13–30.

⁴² Some scholars relate Philochorus' statement to the King's Peace. For discussion see A. G. Keen, 'A "Confused" Passage of Philochoros (F 149 a) and the Peace of 392/1 B.C.', *Historia* 44 (1995), 1–10.

down' his letters to satraps in the fifth century BC, or his rescripts to the Greeks a century later. The preliminary truces negotiated by the Greeks with the satraps needed to be further ratified by the Great King, as the events of the Spartan-Persian war show (see Xen. *Hell.* 3.2.20; Diod. 14.39.6).

The Greek envoys visiting Persia had certain material stimuli. There are many references in the sources to the receipt by envoys of different kinds of gift from the Great King of Persia. For contemporaries it was hard to make the differentiation between gifts and bribes. Some scholars emphasise the great importance of gift exchange in the Achaemenid Empire. They suggest the patterns and types of exchange of gifts were not always in accordance with the expectations of the Greeks, which caused disappointment or accusations of bribery.⁴³

There are some cases when the Greek envoys to Persia received extremely large gifts. Thus, according to Demosthenes, Callias, son of Hipponicus, was accused by his fellow citizens and fined fifty talents for taking bribes from the Persians (Dem. 19.277). The comic poet Plato represents the envoys Epicrates and Phormisus receiving from the king many bribes of 'gilt and silvered plates' (Plato *CAF* 1. F119). According to Plutarch, the people only laughed at the joke when Epicrates not only confessed that he had received gifts from the king, but made a motion, that instead of nine archons, they should yearly choose nine poor citizens to be sent as ambassadors to the king, and to be enriched by his presents (Plut. *Pel.* 30.12; cf. Heges. ap. Athen. 6.58.251a-b). Pelopidas, according to the custom, was given the most splendid and sizeable presents and his desires were granted (Plut. *Pel.* 30). More extravagant were the gifts given to Timagoras: 'He not only took gold and silver, but a rich bed, and slaves to make it, as if the Greeks were unskilful in that art; besides eighty cows and herdsmen, professing he needed cows' milk for some distemper; and, lastly, he was carried in a litter to the seaside, with a present of four talents for his attendants' (Plut. *Artax.* 22.5-6, *Pel.* 30.6).

However, the significance of the king's 'hospitality' lies in the politics more than the diplomatic customs. The Athenians condemned and executed Timagoras for receiving so many presents from the king (Dem. 19.137). Xenophon says that Timagoras was convicted on the indictment of Leon, who proved that his fellow envoy not only refused to lodge with him at the king's court, but in every way played into the hands of Pelopidas, and hence Timagoras was put to death (Xen. *Hell.*

⁴³ On the importance of gifts for Graeco-Persian relations: L. G. Mitchell, *Greeks Bearing Gifts: The Public Use of Private Relationship in the Greek World, 435-323 BC* (Cambridge University Press, 1997), 115ff.

7.1.38). Plutarch notes that Artaxerxes was so gratified with some secret intelligence which Timagoras sent to him by the hand of his secretary Beluris, that he bestowed upon him ten thousand darics (Plut. *Artax.* 22).

This chapter has examined an important aspect of political interaction between the Greeks and the Persians. The main conclusion is that Graeco-Persian diplomacy was a constantly evolving system affected by, and responding in a pragmatic fashion to, the changing political circumstances.⁴⁴ It may be argued that it was not war but diplomacy that determined the general development of Graeco-Persian relations after the expulsion of the Persians from Greece early in the fifth century BC. The principal aim of this diplomacy was to maintain a balance of power in interstate relations in the Eastern Mediterranean. The preferred means of achieving it, and the main focus of so many of the diplomatic missions, were bilateral and 'common' peace treaties. Both the Greek states and the Persian king were involved in numerous internal political problems, which reduced their capacities for direct confrontation and increased their readiness to retain the *status quo* in their relations in the fifth and fourth centuries BC. This situation changed with the beginning of Macedonian expansion into the East. The Macedonian conquest of the Achaemenid Empire under Alexander the Great interrupted 150 years of gradual evolution in diplomatic relations between the Greeks and the Persians. There were some episodes of Graeco-Persian co-operation in the face of the Macedonians which relate to the period of the Spartan king Agis' revolt in Greece in 331 BC, but they were a last unsuccessful attempt at diplomatic interaction by the Greeks with the dying Persian Empire.

⁴⁴ See also the chapters by A. D. Lee and Michael Whitby in this volume for the importance of flexibility and pragmatism in Roman diplomatic relations with the Persian kings in Late Antiquity.

4 Treaties, allies and the Roman conquest of Italy

J. W. Rich

Introduction

This chapter is concerned with the use made by the Romans of treaties of alliance and other forms of association in the extension of their imperial power under the Republic. Although attention is paid to their overseas expansion, the chapter deals principally with the Roman conquest of Italy and seeks to challenge the generally accepted view that all the Romans' non-colonial Italian allies were bound to them by treaties. This is not a merely technical issue, but has far-reaching implications for our understanding both of the process of conquest and of Roman imperial structures.

Down to the mid fourth century BC the Romans were just one of the peoples of west central Italy, and their armies never ranged further than about fifty miles from their city. Their relations with their fellow Latins were governed by a treaty between Rome and the Latin League, said to have been concluded by the consul Spurius Cassius in 493. Dionysius of Halicarnassus (6.95) claims to report the treaty terms; if these are accurate, the treaty was an alliance on equal terms, but in the event the Romans were increasingly the dominant partner.¹

In 343 BC the Romans ventured further afield for the first time, to Campania, and became embroiled in the first of their wars against the Samnites, a powerful league of Oscan-speaking peoples in the southern central Apennines. This led to war between the Romans and the Latin League, aided by Campanians and others. After a decisive victory in 338, the Romans imposed a radical new settlement, in which they dissolved the Latin League and incorporated many of their defeated opponents into their citizen body, some as full citizens, some as half-citizens (*cives sine suffragio*, 'citizens without the vote'), while the rest continued as independent allies. Roman relations with the Samnites remained tense,

¹ For a good summary of the controversies on the treaty and Roman–Latin relations see S. P. Oakley, *A Historical Commentary on Livy Books VI–X* (Oxford, 1997–2005), vol. 1, 331–44.

and war broke out again between them in 327. This inaugurated a series of conflicts between the two powers – the Second and Third Samnite Wars (327–304 and 298–290) and finally the so-called Pyrrhic War (282–272), in which King Pyrrhus of Epirus crossed the Adriatic to take the lead against Rome. Most of the peoples of Italy became involved in these conflicts, with the Samnites being joined at different points by the Etruscans and Umbrians, the Gauls, and in the final phase the Lucanians and the Greek city of Tarentum, whose quarrel with Rome provided the occasion for Pyrrhus' intervention. Each phase in the struggle ended to the Romans' advantage, but it was only with the final victory by 272 that their dominance was secured. With a few mopping-up campaigns in the immediately following years, their control of Italy south of the Po valley was complete.²

An important part was played in the Romans' success by the skilful organisational devices through which they maintained their control over both defeated enemies and the peoples whom they had won over to their side. Many defeated enemies were incorporated as half-citizens, and thus by the 260s citizen territory formed a broad swathe across the centre of Italy from coast to coast. Much of the huge amount of land confiscated from the defeated was used to found settlements known as colonies, so providing land for many Roman citizens and allies and also strongholds to secure Roman control: thirty-one colonies were founded in the period 338–241; of these ten were small coastal foundations with citizen rights, but the rest were larger settlements and ranked as independent allies.³ These were accorded the same privileges as the ten or eleven communities that had retained their independence from the old Latin League, and all these together were known as the Latin Name (*Nomen Latinum*). As for the remaining Italian communities, all these too had become the Romans' allies, some more or less voluntarily and the rest after defeat. On a widely accepted modern estimate, based on the account provided by Polybius (2.24) of the data on manpower collected at the time of the Gallic threat in 225 BC, these non-Latin allies accounted for about

² The most accessible account of the Roman conquest of Italy is that of T. J. Cornell, 'The Conquest of Italy', in *Cambridge Ancient History*, 2nd edn, (Cambridge, 1989), vol. VII. 2, 351–419, or more briefly in his *The Beginnings of Rome* (London and New York, 1995), 345–98. See also G. Forsythe, *A Critical History of Early Rome* (Berkeley, Los Angeles and London, 2005), 281–368. On the Samnites see E. T. Salmon, *Samnium and the Samnites* (Cambridge, 1967); G. Tagliamonte, *I Samniti* (Milan, 1996); and H. Jones (ed.), *Samnium: Settlement and Cultural Change* (Providence, Rhode Island, 2004).

³ See E. T. Salmon, *Roman Colonization* (London, 1969), 55–81.

Table 4.1 Estimated citizen/allied territory and population in 225 BC

	<i>Territory (km²)</i>	<i>Free persons</i>
Roman citizens	25,615 (23.8%)	923,000 (33.5%)
Latins	10,630 (9.8%)	431,000 (15.7%)
Other allies	71,565 (66.4%)	1,398,000 (50.8%)
All citizens/allies	107,810	2,752,000

Source. Afzelius, *Eroberung*, pp. 133–5, modified by Brunt, *Italian Manpower*, p. 54

two-thirds of the territory and half of the population under Roman control (Table 4.1).⁴

No sooner had the Romans brought Italy under their control than they embarked on the great series of overseas wars which by the early second century had made them effective rulers of the Mediterranean world. The key to their success in these wars was the vast reservoir of Italian manpower, citizen and allied alike. In the relatively well documented later third and early second centuries BC there is ample evidence of recruitment from both sources every year, with the ratio of allied to Roman troops varying in the range between parity and 2:1.⁵ The alliance structure itself remained fundamentally the same despite the Hannibalic War, in which many of Rome's allies in southern Italy temporarily seceded, but towards the end of the second century moves began to be made for extending Roman citizenship to the allies. In 91 BC the failure of such a proposal led to a widespread rebellion, the Social War, which ended in the extension of Roman citizenship to all Italian communities south of the Po.

Virtually all modern scholars suppose that, except for one group, the Italian allies' relationship to the Roman people rested formally on treaties, *foedera*. The exception is the Latin colonies, both those founded by

⁴ A. Afzelius, *Die römische Eroberung Italiens (340–265 v. Chr.)* (Aarhus, 1942), 63–135; P. A. Brunt, *Italian Manpower 225 BC–AD 14* (Oxford, 1971; reissued with a postscript, 1987), 44–60. Afzelius' conclusions on the Italian states' territories modify those of K. J. Beloch, *Der italische Bund unter Roms Hegemonie* (Leipzig, 1880), 158–77, and *Römische Geschichte bis zum Beginn der punischen Kriege* (Berlin and Leipzig, 1926), 522–621. The interpretation of Polybius' manpower data is very controversial: see D. W. Baronowski, 'Roman Military Forces in 225 BC (Polybius 2.23–24)', *Historia* 42 (1993), 181–202; E. Lo Cascio, 'Recruitment and the Size of the Roman Population from the Third to the First Century BCE', in W. Scheidel (ed.), *Debating Roman Demography* (Leiden, 2001), briefly on 111–37; L. de Ligt, 'Poverty and Demography: The Case of the Gracchan Land Reforms', *Mnemosyne* 57 (2004), 725–57; W. Scheidel, 'Human Mobility in Roman Italy, I: The Free Population', *Journal of Roman Studies* 94 (2004), 1–26 at 3–5.

⁵ Brunt, *Italian Manpower*, 677–86.

Table 4.2 Estimated numbers of Italian states allied to Rome in 225 BC

<i>Cities</i>	Original members of Latin League	2–3
	Latin colonies	29
	Hernici	3
	Etruscans	16
	Umbrians	25–44
	Apulians	c. 50
	Greeks	11
	Others	5–6
		12
<i>Tribal</i>	Picentes, Vestini, Marrucini, Frentani, Paeligni, Marsi, Sidicini, Samnites, Caudini, Hirpini, Lucani, Bruttii	
<i>Total</i>		c. 152–73

Source. Afzelius, *Eroberung*, 62 (slightly adapted).

the old Latin league and those founded by Rome after the dissolution of the league in 338: most scholars hold that their relationship with Rome was based not on treaties, but on each colony's foundation charter. However, it is almost universally accepted that all the other allied communities had treaties with the Roman people. If this is correct, the number of treaties involved will have been large. Many of the peoples of the Apennine chain, from the Marsi and their neighbours in the centre to the Lucanians and Bruttians in the south, were still tribally organised, but elsewhere urbanism was well advanced, and, where towns existed, they commonly formed autonomous political units, with only loose ties to other towns with which they shared an ethnic identity. Thus peoples like the Etruscans, Umbrians and Apulians were fragmented into numerous political units (many of them small). It is usually supposed that Rome's allies constituted over 150 autonomous states. Subtracting the Latin colonies, this means that, on the generally accepted view, some 125 or more Italian allied states had treaties with the Romans (Table 4.2).⁶

A different view of the Italian allies' relationship to Rome was sketched by the first great nineteenth-century historian of Rome, B. G. Niebuhr, who held that, while many had treaties, others had different statuses.⁷

⁶ Afzelius, *Eroberung*, 15–62 (modifying the conclusions of Beloch: see above, n. 4). G. Bradley, *Ancient Umbria* (Oxford, 2000), 120–8, shows that collective Umbrian institutions were at best only loosely developed, and that the various Umbrian communities must have entered the Roman alliance as autonomous entities. (He estimates their number as a maximum of twenty-one (122), rather lower than Afzelius' figures.) For south-eastern Italy see now K. Lomas, 'Cities, States and Ethnic Identity in Southeast Italy', in E. Herring and K. Lomas (eds.), *The Emergence of State Identities in Italy in the First Millennium BC* (London, 2000), 79–90.

⁷ B. G. Niebuhr, *Römische Geschichte*, (Berlin, 1832), vol. III, 611–41, 726–7, not wholly accurately rendered in *The History of Rome*, trans. W. Smith and L. Schmitz (London, 1842), vol. III, 523–47, 615–16.

However, by the later nineteenth century the doctrine that all the non-colonial Italian allies had treaties had become established orthodoxy, and it is asserted without discussion in standard works such as those of Mommsen, Marquardt and Beloch.⁸ It has continued to be accepted without question in almost all the more recent treatments of the topic.⁹ Sherwin-White did indeed note the shortage of evidence for the Etruscans' treaties, but he still assumed that these and other Italian allies must have received treaties.¹⁰ To my knowledge, only Kathryn Lomas, in her unpublished doctoral dissertation, has questioned the orthodoxy.¹¹ The doctrine of universal Italian treaties has been accepted for so long that hardly anyone has attempted to set out the basis on which it rests. There is an evident need to examine the grounds for the orthodox view, and it is this task which I shall be attempting in this chapter. I hope to show that the case for the orthodoxy is in fact very insecure and that an alternative hypothesis is both available and preferable.

Niebuhr regarded the Romans' use of treaties of alliance in Italy as comparable with their later practice outside Italy, but on the now orthodox view there was a sharp divergence in practice. The developed Roman Empire was not limited to the provinces directly governed by Roman officials, but constituted a mosaic of princes, peoples and cities. The Romans referred to all of these as their allies (*socii*), but only a minority of these allies had treaties. These treaty communities (*civitates foederatae*) were formally independent, but so too were numerous treaty-less friends of Rome, the 'friendly and allied kings' (*reges socii et amici*),

⁸ T. Mommsen, *Römische Geschichte*, 2nd edn (Berlin, 1856), vol. 1, 388–97, and *Römisches Staatsrecht* (Leipzig, 1887–8), vol. III, 645–715 (Mommsen there treats the Italian allies together with provincial *civitates foederatae* and *civitates liberae*, regarding them all as 'autonomous subjects'); J. Marquardt, *Römische Staatsverwaltung*, 2nd edn (Leipzig, 1881), vol. 1, 44–8; Beloch, *Italische Bund*, 158–77, 194–224.

⁹ E.g. A. N. Sherwin-White, *The Roman Citizenship*, 2nd edn (Oxford, 1973), 119–33 (1st edn, 1939); E. Badian, *Foreign Clientelae (264–70 BC)* (Oxford, 1958), 25–32; A. J. Toynbee, *Hannibal's Legacy* (Oxford, 1965), vol. 1, 258–66; W. Dahlheim, *Struktur und Entwicklung des römischen Völkerrechts* (Munich, 1968), 117–25; W. V. Harris, *Rome in Etruria and Umbria* (Oxford, 1971), 85–113; V. Ilari, *Gli Italici nelle strutture militari romane* (Milan, 1974), 25–56; H. Galsterer, *Herrschaft und Verwaltung im republikanischen Italien* (Munich, 1976), 101–4; T. Hantos, *Das römische Bundesgenossenssystem in Italien* (Munich, 1983), 150–81; Cornell, 'The Conquest of Italy', 385–9, and *Beginnings of Rome*, 365–8; D. W. Baronowski, 'Sub umbra foederis aequi', *Phoenix* 44 (1990), 345–69; Bradley, *Ancient Umbria*, 118–28, 301.

¹⁰ Sherwin-White, *Roman Citizenship*, 123–5.

¹¹ K. Lomas, *Aspects of the Relationship between Rome and the Greek Cities of Southern Italy and Campania during the Republic and Early Empire*, PhD thesis, University of Newcastle (1989), 51–109. In the published version she is more circumspect: *Rome and the Western Greeks 350 BC–AD 200: Conquest and Acculturation in Southern Italy* (London and New York, 1993), 77–84. I am grateful to Dr Lomas for drawing my attention to and supplying me with a copy of her unpublished work.

and others, variously known as 'free peoples' (*populi liberi*) or 'free communities' (*ciuitates liberae*). In addition to these there were the majority of the provincial communities: these too were spoken of as 'allies', but they had to pay tribute and were subject to the governor's commands.¹²

A correlation can thus be drawn between the supposed shift in the Romans' treaty practice and the demands which they made on their allies. They often called on their extra-Italian allies for troops, but they did not impose on them the regular annual demand for soldiers that they made on their allies in Italy. By contrast, the Italian allies were not directly taxed, whereas in the developed provincial system all the communities paid tribute except for those with privileged exemption. However, there is no necessary link between these changing demands and the allies' juridical status. As recent research has shown, the provincial taxation system, like other features of provincial government, developed to a considerable extent on an *ad hoc* basis, and the same may, as we shall see, have been true of the military demands on the Italian allies.¹³ I shall seek to show that the juridical status of some of the Italian allies may have been similar to that of the tribute-paying provincials.

Two obstacles to our enquiry must be noted at the outset. The first is the fluidity of the Romans' terminology: they used the language of alliance with considerable elasticity, and, as we have already noticed, the term *socius*, 'ally', and its cognates were freely used both of those with and those without a treaty, as was the corresponding Greek term *symmachos*.¹⁴ Thus the only evidence which can unequivocally show a treaty-relationship is explicit reference to a treaty (*foedus*).

¹² For the organisation of the empire see A. W. Lintott, *Imperium Romanum: Politics and Administration* (London and New York, 1993), 5–42, and further, n. 32. A. Zack, *Studien zum Römischen Völkerrecht* (Göttingen, 2001), 167–242, unconvincingly argues that all Rome's friends had treaties, defending the old view of E. Täubler, *Imperium Romanum*, vol. I (all published; Leipzig and Berlin, 1913), against the critique of A. Heuss, *Die völkerrechtlichen Grundlagen der römischen Aussenpolitik* (Leipzig, 1933), 1–59.

¹³ On the development of taxation and the other institutions of provincial government see Lintott, *Imperium Romanum*, 43–96, and for particular regions J. Serrati, 'Garrisons and Grain: Sicily between the Punic Wars', in C. J. Smith and J. Serrati, *Sicily from Aeneas to Augustus* (Edinburgh, 2000), 115–33; J. S. Richardson, *Hispaniae: Spain and the Development of Roman Imperialism 218–82 BC* (Cambridge, 1986); R. M. Kallet-Marx, *Hegemony to Empire: The Development of the Roman Imperium in the East from 148 to 62 BC* (Berkeley, Los Angeles and Oxford, 1995).

¹⁴ H. Horn, *Foederati* (Frankfurt am Main, 1930), 9–12; Dahlheim, *Struktur*, 163–6; E. S. Gruen, *The Hellenistic World and the Coming of Rome* (Berkeley, Los Angeles and London, 1984), 47, 55.

Secondly, relevant information is in very short supply. Two main sources of evidence bear on the question. One is Cicero's speech *For Balbus*, which aims to refute a challenge to the status of a man who had been born a citizen of Gades (modern Cadiz) but granted the Roman citizenship; in the course of the speech Cicero makes extensive reference both to Gades' treaty and those of other states, including Italian communities which had treaty-status before the Social War.¹⁵ The other main evidence is the narrative of the Roman conquest of Italy given in books 7–10 of Livy's history, supplemented by other briefer or fragmentary historical accounts. All of these historians wrote centuries after the events, and were themselves dependent on other lost writers, of whom the earliest, Quintus Fabius Pictor, wrote c. 200 BC. Much of Livy's account is questionable, and his information on treaties is clearly selective. However, his work does at least provide us with a detailed narrative of the conquest down to 293 BC.¹⁶ Unfortunately, books 11–20 of his history, covering the period 292–219, are lost, and so we have no detailed account of the later phase of the conquest and must rely on miserable scraps, such as the brief summaries of each book of Livy's history composed in Late Antiquity and known as *Periochae*, and the epitome of Cassius Dio's history compiled by the Byzantine monk Zonaras.¹⁷ As a result, our sources tell us virtually nothing of the settlements finally imposed on Rome's principal enemies.

No text survives of any of the treaties of alliance concluded during the conquest of Italy. However, inscriptions or literary sources do provide us with whole or partial texts, mostly in Greek versions, of thirteen Roman treaties of alliance concluded between the later third and late first centuries BC with states outside Italy, all from the East apart from Gades. This evidence, and references to other extra-Italian treaties in literary or epigraphic sources, make us better informed about Roman treaty-making then than during the conquest of Italy.

Before embarking on our examination of the case for the doctrine of universal Italian treaties, we must give some further consideration to the character both of Roman treaties of alliance and of some of the other instruments which the Romans used to establish their control over other peoples, not only during the conquest of Italy, but also in the better-documented period of overseas expansion.

¹⁵ On the issues in the case see P. A. Brunt, 'The Legal Issue in Cicero, *Pro Balbo*', *Classical Quarterly* 32 (1982), 136–47.

¹⁶ Oakley, *Commentary*, is an invaluable guide to all aspects of this part of Livy's work.

¹⁷ The sources for the period 292–265 BC are collected by M. R. Torelli, *Rerum Romanarum fontes ab anno CCXCII ad annum CCLXV a. Ch. n.* (Pisa, 1978).

Foedus and deditio

In wartime the preliminary negotiation of treaties was commonly conducted by the commander in the field, and some agreements reached in overseas wars were never submitted to Rome for ratification. Normally, however, Roman treaties required the approval of the senate and the popular assembly.¹⁸

Some Roman treaties merely provided for friendship between the two parties. In the early centuries such treaties were sometimes used to regulate Roman relations with peoples with whom they were on friendly terms, as in the first two treaties with Carthage (Polybius 3.22–4). Friendship treaties were also used for some peace settlements, and for the most part these imposed the Romans' terms on defeated enemies, as with Carthage in 241 and 201, Philip V of Macedon in 196 and the Seleucid king Antiochus III in 188. Most Roman treaties, however, established (or re-established) not just friendship but also alliance, and included a clause providing for military assistance. The circumstances in which these treaties of alliance were made varied greatly. Some of the states which concluded such treaties in wartime surrendered under pressure or through defeat, but others joined the Romans freely, while many treaties of alliance were concluded in peacetime, usually solicited by the other party as a mark of Roman favour.

A statement of the first-century AD jurist Proculus suggests a binary classification of treaties of alliance: 'A people is free, ... whether it has come into friendship by an equal treaty, or it was included in the treaty that that people should courteously conserve the majesty of the other people. For this is added so that it may be understood that one of the peoples is superior, not that the other is not free.'¹⁹ From this passage and a similar statement by Cicero about the majesty-clause (*Balb.* 35), it has traditionally been concluded that the Romans used two types of treaty of alliance, the equal treaty (*foedus aequum*) and the unequal treaty (*foedus iniquum*) which included the majesty-clause, and there has been much discussion about which type predominated among the Italian treaties. However, as has come increasingly to be recognised, this approach rests

¹⁸ The requirement of popular authorization: Polybius 6.14.10–11; Livy 32.23.2; Sallust, *Jug.* 39.3; Brunt, 'The Legal Issue', 138–41. Gades' treaty was granted by the senate in 78 BC without being submitted to the people (Cic. *Balb.* 34–5), and this may have been common practice in the late Republic.

¹⁹ *Digest* 49.15.7.1: *liber autem populus est, ... siue aequo foedere in amicitiam uenit, siue foedere comprehensus est, ut is populus alterius populi maiestatem comiter conseruaret. hoc enim adicitur, ut intellegatur alterum populum superiorem esse, non ut intellegatur alterum non esse liberum.* Proculus must also have mentioned free peoples without a treaty, but the text is uncertain.

on mistaken assumptions. In the first place, there is no warrant for supposing that the Romans used these words as technical terms, and, while the phrase *foedus aequum* is quite common with the meaning of an equal or fair treaty, *foedus iniquum* is found only once, in a tendentious context.²⁰ Secondly, what we know of the terms of Roman alliances suggests not a simple binary division, but considerable diversity, ranging from specially favoured nations to those whose treaty terms were harshly unequal.²¹

Texts survive of some completely equal and reciprocal Roman treaties, with the Jews in 161 BC and (preserved on inscriptions) with various minor Greek cities, all probably concluded in the period 167–91 BC. These treaties, which were largely symbolic marks of Roman favour, conform closely to a standard format, under which each party undertakes not to grant passage or provide supplies to the other's enemies, and to give assistance to the other as far as possible if it or its subjects are attacked.²²

At the other end of the spectrum stands the completely unilateral treaty concluded at the end of Rome's war with the Aetolian League in 189 BC.²³ Besides punitive requirements such as an indemnity and hostages, the Aetolians' obligations include undertakings to conserve the empire and majesty of the Roman people, to have the same enemies as the Romans and to make war on those on whom they make war. This treaty is sometimes taken as a standard instance of an unequal treaty, but it was clearly exceptionally harsh: the Aetolians were former allies who had sided with Rome's enemy Antiochus, and the Romans were determined to exact condign punishment.

²⁰ *Foedus aequum*: Livy 8.4.2, 9.4.4, 23.5.9, 28.45.20, 34.57.8, 39.37.13; Proculus, cited n. 19. *Foedus iniquum*: Livy 35.46.10.

²¹ The fullest study of Roman treaties of alliance remains Täubler, *Imperium Romanum*, but this is marred by excessive schematism and numerous misconceptions, many of which were corrected by Horn, *Foederati*, and Heuss, *Grundlagen*. For the Italian treaties see the works cited at n. 9. More recent discussions, mostly focusing on the treaties with Greek states, include Gruen, *Hellenistic World*, 13–53, 731–44; A. N. Sherwin-White, *Roman Foreign Policy in the East 168 BC to AD 1* (London, 1984), 58–79; Baronowski, 'Sub umbra'; J.-L. Ferrary, 'Traité et domination romaine dans le monde hellénique', in L. Canfora et al. (eds), *I trattati nel mondo antico: forma, ideologia, funzione* (Rome, 1993), 217–35; Kallet-Marx, *Hegemony to Empire*, 184–97; A. Avram, *Der Vertrag zwischen Rom und Kallatis: Ein Beitrag zum römischen Völkerrecht* (Amsterdam, 1999); D. J. Bederman, *International Law in Antiquity* (Cambridge, 2001), 189–202; S. Mitchell, 'The Treaty between Rome and Lycia of 46 BC', in R. Pintauro (ed.), *Papyri Graecae Schøyen*, (Florence, 2005), vol. 1, 166–260.

²² Jews: 1 Macc. 8.23–8. The treaty with the Greek city of Maronea is preserved in full (SEG 35.823), and treaty terms are partially preserved for Cibra (OGIS 762), Methymna (Syll.³ 693), Astypalaea (R. K. Sher, *Roman Documents in the Greek East* [Baltimore, 1969], no. 16) and Callatis (ILLRP 516; Avram, *Vertrag*).

²³ Polybius 21.32; Livy 38.11.

Favourable treaties could include formally unequal provisions. Thus the treaty with Messina in Sicily was concluded soon after the outbreak in 264 of the First Punic War, when Messina stood high in Rome's favour, but included a requirement to supply a manned warship on demand, extending to Rome's new ally an obligation which, as we shall see, had earlier been imposed on Greek cities in Italy.²⁴ Moreover, the requirement to conserve the majesty of the Roman people, which, as Proculus observed, was the formal mark of treaty inequality, was at least by the first century BC included in some otherwise favourable treaties. Cicero tells us that the majesty-clause was included in the treaty with Gades, which was concluded at the city's request in 78 BC.²⁵ It also figures in inscribed treaties with various Greek states of Asia Minor, namely the treaty with the Lycian League of 46 BC, whose (recently published) text survives intact, the fragmentary treaty with Mytilene of 25 BC, and perhaps the even more fragmentary treaty with Cnidus of 45 BC. The Lycian treaty included not only the standard undertakings not to assist the other party's enemies and to provide it with military assistance if attacked, but also a range of other reciprocal undertakings and, in addition, Roman confirmation of extensions to the Lycians' territories. Enough survives of the Mytilene treaty to show that it had the same character, and by the Caesarian and Augustan period this may have been standard for treaties conferred on specially favoured communities.²⁶

What little we know of the terms of the treaties concluded during the conquest of Italy suggests that they too varied widely in accordance with the circumstances in which they were concluded. We hear of two as especially favourable, those of Camerinum, in Umbria, and of the Greek city of Heraclea, both characterised by Cicero as 'most equal' (*aequissimum*) and doubtless including reciprocal defensive obligations.²⁷ Livy tells

²⁴ Cic. 2 *Verr.* 3.13; 4.21; 5.49–51, 56. At 2 *Verr.* 5.51 Cicero tendentiously describes Messina's ship-obligation as 'a mark of subjection' (*nota servitutis*).

²⁵ Cic. *Balb.* 34–5. It is unclear whether the majesty-clause had already appeared in the treaty concluded with Lucius Marcius during the Second Punic War, which was never ratified in Rome.

²⁶ Lycia: Mitchell, 'The Treaty between Rome and Lycia'. Mytilene: Sherck, *Roman Documents*, no. 26d–e, with Ferrary, 'Traité', 231–5. Cnidus: W. Blumel, *Die Inschriften von Knidos* (Bonn, 1992), vol. 1, no. 33; Mitchell, 'The Treaty between Rome and Lycia', 190. On the requirement to have the same enemies as Rome, attested in the treaty renewed with Rhodes in 51 BC (Cic. *Fam.* 12.15.2) and surely included in Rhodes' original treaty of 164, see Ferrary, 'Traité', 229–31; L. de Libero, 'Ut eosdem quos populus Romanus amicos atque hostes habeant: Die Freund-Feind-Klausel in den Beziehungen Roms zu griechischen und italischen Staaten', *Historia* 46 (1997), 270–305.

²⁷ Camerinum: Cic. *Balb.* 46–7, 50; the 'equal treaty' also attested by Livy 28.45.20 and *ILS* 432. Heraclea: Cic. *Arch.* 6; *Balb.* 21, 50 ('a nearly unique treaty').

us that, after an Apulian rebellion, the Teates in 317 obtained a treaty by promising to bring their fellow Apulians over, but such 'that they should be not in an equal treaty but under the sway of the Roman people', but the authenticity of the notice is doubtful.²⁸ The only unequal provision of which we have certain knowledge in Italian treaties is the obligation of some of the Greek cities to supply ships on demand (below, n. 58), but some of these are likely to have had otherwise favourable treaties (for example Rhegium, never known to have sided against Rome). As for the majesty-clause, it is first certainly attested in the Aetolian treaty of 189, but it seems unlikely that such a distinctively Roman provision, with no direct Greek equivalent, will have been first used then. More probably, it had already appeared in some of the Italian treaties.²⁹

Treaties of alliance were, however, not the only instrument by which the Romans regulated their relationship with other peoples. We occasionally hear of a *sponsio*, that is, a pledge given by individuals, as a means by which a community might establish a relationship with the Romans, and Livy tells us that in 308 the inhabitants of Ocrinum in Umbria 'were accepted into friendship by a *sponsio*'.³⁰ With the Etruscans, immediately to their north, the Romans followed a long-standing policy of making truces (*indutiae*) for long periods: such truces, for periods of between 20 and 100 years, are attested on seven occasions between 425 and 294 BC, and, even though not all of them may be historical, the pattern which they reveal must be an authentic reflection of Roman practice. The reasons for this policy are unknown: truces of this kind were common in the Greek world down to the fifth century BC, but are attested for the Romans only in this region.³¹

As we have already noted, only a minority of Rome's extra-Italian allies had treaties. There were also the kings and the 'free communities' (*ciuitates liberae*), and in addition the tax-paying communities who made up the majority of the provincials, sometimes known as *ciuitates stipendiariae* ('tribute-paying communities'). The origins and character of the formal status of both the tributary and the 'free' communities are a matter

²⁸ Livy 9.20.8: *neque ut aequo tamen foedere sed ut in ditione populi Romani essent*. A variant account, under 318, merely reports their surrender (Livy 9.20.4).

²⁹ R. A. Bauman, 'Maiestatem populi Romani comiter conseruanto', *Acta Juridica* (1976), 19–36; contra, Badian, *Foreign Clientelae*, p. 26. See also H. G. Gundel, 'Der Begriff Maiestas im politischen Denken der römischen Republik', *Historia* 12 (1963), 283–320.

³⁰ Livy 9.41.20; cf. Cic. *Balb.* 29, Gaius *Inst.* 3.94.

³¹ Livy 4.35.2; 532.5; 7.20.8, 22.5; 9.37.12, 41.5–7; 10.37.4, 46.12; Diodorus 20.35.5, 44.9. See Sherwin-White, *Roman Citizenship*, 123–4.

of considerable obscurity.³² Most of the tributary communities enjoyed some autonomy: they were allowed to function as political entities and administer jurisdiction according to their own laws. The more favourable status of the 'free communities' consisted in further privileges, also enjoyed by the treaty-communities (*civitates foederatae*): wider rights of jurisdiction, and freedom from garrisoning and (in theory, if not always in practice) from the arbitrary demands of governors. Many 'free communities' and all the treaty-communities also enjoyed immunity from taxation, but whether all the 'free communities' did so is a matter of dispute.

Most of the provincial communities came under Roman rule as a consequence of Roman wars, and many of them had made an act of surrender, *deditio*. A brief examination of this institution will shed light on the status both of the provincial communities and of some of the Italian allies.³³

Deditiones were made not only by communities already under attack, but also by those seeking to avert attack and sometimes by communities voluntarily siding with Rome. Against some particularly recalcitrant enemies the Romans insisted on a *deditio*, refusing a peace treaty, as in the protracted wars against the Celtiberians in 153–133 BC.³⁴ The exceptionally harsh treaty of 189 was imposed on the Aetolians as an alternative to the *deditio* to which, after an initial misunderstanding, they were unwilling to entrust themselves.³⁵

The enactment of a *deditio* followed a set formula, by which the surrendering community gave up its people, property and institutions into the Romans' sway (*dicio*) and also into their good faith (*fides*). By so doing the community ceased to be a separate entity, and it then fell either to the commander who received the *deditio* or to the senate to determine

³² See especially A. H. M. Jones, 'Civitates liberae et immunes in the East', in W. M. Calder and J. Keil (eds.), *Anatolian Studies Presented to William Hepburn Buckler* (Manchester, 1939), 103–17; D. Kienast, 'Entstehung und Aufbau des römischen Reiches', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, römische Abteilung* 85 (1968), 330–67; R. Bernhardt, *Imperium und Eleutheria: Die römische Politik gegenüber den freien Städten des griechischen Ostens* (Hamburg, 1971); Bernhardt, 'Die Entwicklung römischer Amici et Socii zu Civitates Liberae in Spanien', *Historia* 24 (1975), 411–24; Bernhardt, 'Die Immunitas der Freistädte', *Historia* 29 (1980), 190–207; W. Dahlheim, *Gewalt und Herrschaft: Das provinzielle Herrschaftssystem der römischen Republik* (Berlin and New York, 1977); J.-L. Ferrary, *Philhellénisme et impérialisme: aspects idéologiques de la conquête romaine du monde hellénistique* (Rome, 1988), 5–43, 211–18; Lintott, *Imperium Romanum*, 36–41; Kallet-Marx, *Hegemony to Empire*, 18–29, 125–60, 264–73. Note that the sources often fail to distinguish between 'free communities' and those with treaties, referring to the latter simply as 'free': Bernhardt, 'Die Immunitas', 193.

³³ On *deditio* see especially Dahlheim, *Struktur*, 5–109; D. Nörr, *Aspekte des römischen Völkerrechts: Die Bronzetafel von Alcántara* (Munich, 1989).

³⁴ Polybius 35.2–3; Appian, *Iber.* 48–50, 79–80, 83, 95; Richardson, *Hispaniae*, 140–9.

³⁵ Polybius 20.9–10; 21.2, 4–5, 29–32; Livy 36.27–9; 37.1, 6–7, 49; 38.8–11.

its subsequent status. One option often followed in Italy was the incorporation of those who had surrendered into the Roman state as half-citizens. An alternative outcome, and the normal one outside Italy, was for those who had surrendered to be given back their freedom, laws and possessions, often after specific demands had been complied with, for example the handing over of arms and/or hostages. In Italy the territory of those who had surrendered after defeat was often not returned in full, but with a portion retained as public land of the Roman people. These Roman acts of restitution after *deditio* are frequently attested in literary sources, and records of such restitutions survive on inscriptions from the Greek cities of Heraclea by Latmus (190 BC) and Thisbe (170 BC) and on a recently discovered inscription of 104 BC from Alcántara in western Spain concerning a people whose name began 'Seano ...'.³⁶ Similar restitutions were also made to some communities whose city had been taken by siege.

One issue which has not been sufficiently clarified is the status of those who had been declared free and had their laws restored to them. The old view that their freedom was only precarious, revocable at the Romans' pleasure, might gain support from the clause '*dum populus [senatusque] Romanus uellet*' appended to the declaration of restitution in the Alcántara inscription, if this is to be translated 'so long as the Roman people and senate wish'. However, it may be that *dum* should be translated not as 'so long as' but as 'provided that', making the clause require the ratification of the Roman commander's decision in Rome.³⁷ It is now usually supposed that, after the restitution of its freedom and laws, a community ranked simply as a free friend of the Romans. This conclusion is valid for the Greek East in the early second century BC, since it was then the Romans' policy to avoid direct rule in that region and to present themselves as champions of Greek freedom, although they did not scruple to assign many of those they had declared free to larger political entities or as tributary to other powers. However, elsewhere, and in particular in the areas where the Romans established direct provincial rule, except in specially favoured cases the restoration of liberty and laws must have conferred merely personal freedom for the citizens and limited autonomy for the community, that is, in the provinces the status of the tributary communities. Such communities ranked as the Romans' friends

³⁶ Thisbe, Heraclea: Sherck, *Roman Documents*, nos. 2, 35. The Alcántara inscription: R. Lopez Melero, J. L. Sanchez Abal and S. Garcia Jimenez, 'El bronce de Alcántara: una *deditio* del 104 a. C.', *Gerion* 2 (1984), 162–212; Richardson, *Hispaniae*, 199–201; Nörr, *Aspekte*. On restitutions (citing further evidence) see Dahlheim, *Struktur*, 69–72; Nörr, *Aspekte*, 51–64.

³⁷ So Nörr, *Aspekte*, 56–63. Precarious freedom: Täubler, *Imperium Romanum*, 22–5, generally held to have been refuted by Heuss, *Grundlagen*, 69 ff.

and allies, but they remained under the Roman sway (*dicio*), into which they had been committed by their surrender or capture.³⁸

This process can be seen at work in the case of Sicily, the first province. The Sicilian cities came over to Rome, mostly by *deditio* or capture, in the First Punic War from 263 on and again in the Second Punic War when the tide turned the Romans' way in 212–210. The cities subsequently received back their freedom and laws, yet in Cicero's day they all paid tribute except for three with treaties, and five others which had been granted immunity. In the case of Thermae (originally captured in 251), Cicero happens to remark that the Roman senate and people had restored to its citizens their city, lands and laws, yet we know from his statements elsewhere that it was one of the tributary communities.³⁹

In the early years of Roman involvement with Spain quite a number of treaties were concluded (many of them never ratified in Rome), but these mostly lapsed in later fighting. In the later Republic only a small number of communities had treaty-status, and the great majority were tributary, though still enjoying the use of their own laws.⁴⁰ The 'Seano ...' people of the Alcántara inscription must clearly have become tributary after the restoration of their liberty and laws.⁴¹ So too must the Celtiberian Belli, Titthi and Arevaci who, as Appian tells us, were 'left free' by Marcellus in 151/0 after their *deditio*.⁴²

³⁸ Mommsen, *Staatsrecht*, vol. III, 716 ff, identified the importance of *deditio* in establishing the status of the tribute-paying provincial communities, but he implausibly supposed that they received no restitution but were left in their surrendered status, in practice enjoying 'tolerated autonomy'. For these communities as in the Roman *dicio* see *ibid.*, 723.

³⁹ Cic. 2 *Verr.* 2.90 (restitution to Thermae); 2.166, 3.12–13 (tribute-payers and the exempt). Capture of Thermae in 251: Pol. 1.39.13; Diod. 23.20. All Sicilian cities enjoyed extensive rights of jurisdiction under the Lex Rupilia, a settlement enacted in 132 BC: Cic. 2 *Verr.* 2.32–4, 90. The view of the status of the Sicilian cities taken here is closest to that of Ferrary, *Philhellénisme*, 5–23. For a different analysis see A. M. Eckstein, *Senate and General: Individual Decision-Making and Roman Foreign Relations, 264–194 BC* (Berkeley, Los Angeles and London, 1987), 102–34, 156–84.

⁴⁰ On Roman treaties in Spain see R. Knapp, *Aspects of the Roman Experience in Iberia, 206–100 BC* (Valladolid, 1975), 37–50; Bernhardt, 'Entwicklung'; Eckstein, *Senate and General*, 214–32.

⁴¹ Nörr, *Aspekte*, 63–4, implausibly holds that they remained outside the area of direct provincial control. At 45, he lists incorporation in a province as an alternative to the restitution of freedom in the aftermath of a *deditio*, but does not explain what procedure would be involved.

⁴² Appian, *Iber.* 50. Hostilities broke out in 153 after the senate had attempted to enforce the treaties concluded by Tiberius Sempronius Gracchus in 179, whose terms had included the payment of tribute. By 151 the Celtiberians expressed their willingness to revert to the Gracchan treaties, but the senate now insisted on *deditio* (Appian, *Iber.* 43–4, 48–9). It is thus unlikely that they will have escaped tribute after their *deditio* and the ensuing restitution.

The Romans sometimes concluded treaties of alliance with states who had surrendered or been captured, either soon after the restitution of their liberty and laws or after a longer interval.⁴³ On the usual view of their relations with their Italian allies, all those who were not incorporated as half-citizens must have received treaties in this way. However, our examination of the Romans' relationships with overseas communities has revealed another possibility. Some Italian peoples may, after *deditio* or capture, have been declared free and had their laws restored, but at the same time they may, like the tributary provincials, have remained in the Romans' *dicio*, liable to do their bidding. In the case of the provincials, the Romans' demands came to include the regular payment of tribute, but in Italy they demanded instead regular contributions of soldiers.

Did all the Romans' non-colonial Italian allies have treaties?

Having clarified some aspects of the institutions of Roman control over other peoples, we may now turn to consider the strength of the case for the orthodox view that all the Romans' non-colonial Italian allies had treaties.

Second-century official documents and the practice of Livy and other writers show an official terminology which brackets together the Latins and other Italian allies in formulae like *socii et nomen Latinum* ('the allies and the Latin name') or assimilates them as *socii nominis Latini* ('the allies of the Latin name'), and other less official designations for the Italian allies are also found, such as *Italici*.⁴⁴ Such nomenclature carries no implications for the allies' treaty-status. It is often thought that the term *foederati* was used in the sense 'allied by treaty' of the Italian allies collectively, but only one possible instance of such a usage is found, on the inscription from Tiriolo in south-west Italy recording the senate's decree of 186 suppressing the worship of Bacchus, where the preamble describes the decree as being 'about the Bacchanals who were *foederatei*' (*ILLRP* 511, lines 2–3). However, to interpret *foederatei* in this text as meaning 'allied by treaty' is incompatible with the clause of the decree prohibiting attendance at Bacchic ceremonies without the senate's express permission (lines 7–9), where the ban is said to apply to 'any Roman citizen or anyone of the Latin

⁴³ Dahlheim, *Struktur*, 69–71.

⁴⁴ The evidence is cited at Mommsen, *Staatsrecht*, vol. III, 660–3, and Ilari, *Gli Italici*, 1–6.

name or allies' (*uir nequis ... ceius Romanus neue nominis Latini neue socium quisquam*), thus showing that the decree applied not only to Italian allies but also to Roman citizens. The term *foederatei* here must instead be taken as referring to Bacchic initiates with the meaning 'bound together by an oath'.⁴⁵

Certain passages of Cicero do speak of Italian allies' treaties in generic terms, but they do not show that all the non-colonial allies had treaties. Tiberius Gracchus' land law of 133 led to protests from the Italian allies which came to a head in 129, and in a dialogue purporting to take place in that year Cicero makes two speakers allege that the law contravened treaties. However, this may show merely that those of the protesting allies who had treaties used them in support of their case.⁴⁶ In his speech *For Archias* Cicero defended the claim to the Roman citizenship of a Greek who had been enrolled as a citizen of the treaty-ally Heraclea and so had become entitled to Roman citizenship after Heraclea's enfranchisement during the Social War. Archias had received the citizenship under a provision of the *Lex Plautia Papiria* of 90 BC which related to persons in his position, and the relevant clause, cited by Cicero, began: 'if any had been enrolled in communities with treaties'.⁴⁷ Once again, nothing in the wording requires us to suppose that all the non-colonial Italian allies belonged in this category.

The same holds good for the following passage from the early first-century BC historian Sisenna, preserved as a fragmentary citation in the dictionary of Nonius Marcellus: 'who, however, with what disputes the treaties of their ancestors had been dissolved'.⁴⁸ The context is probably a complaint by rebel allies of Rome before or during the Social War, alleging that Roman actions prior to the war amounted to treaty dissolution. As we shall see, the Marsi and their neighbours in the central Apennines formed the core of the rebellion, and these certainly had treaties. It is thus likely that the speaker came from one of these peoples,

⁴⁵ So first Mommsen, *Staatsrecht*, vol. I, 249 n. 3; followed by e.g. Galsterer, *Herrschaft*, 169, and H. Mouritsen, *Italian Unification: A Study in Ancient and Modern Historiography* (London, 1998), 53–4. The fact that *foederatus* is not elsewhere found in this sense is not a difficulty in view of the early date and unique character of this text. ('Foederatei' is archaic spelling, later standardised as 'foederati').

⁴⁶ *Cic. Rep.* 1.31, 'the allies and the Latin name having been stirred up, treaties having been violated'; 3.41, 'Ti. Gracchus neglected the rights and treaties of the allies and the Latin name.' Even on the usual view not all the protesters will have appealed to treaties, since most scholars suppose that the Latin colonies did not have them.

⁴⁷ *Arch. 7: si qui foederatis ciuitatibus ascripti fuissent.*

⁴⁸ Sisenna fr. 112 Peter = fr. 99 Chassignet: *qui tamen quibus leitibus foedera maiorum suum dissoluta.*

and the passage cannot support the inference that all the rebels were treaty-holders.⁴⁹

Although our sources frequently refer to the Italian allies supplying troops for Roman armies, it is never said that they did so in accordance with their treaty obligations. The stated basis for Roman troop demands is not the treaties but the *Formula Togatorum* (the 'Schedule of the Toga-Wearers'). The full phrase occurs in the inscribed agrarian law of 111 BC, and Livy several times refers to troops being demanded 'in accordance with the schedule' (*ex formula*).⁵⁰ The nature of the *Formula* is obscure and has been much discussed.⁵¹ However, it is clear that it must have been the product of some form of general enactment by the Roman government.

Thus such evidence as is available about the Italian allies generically does not show that all the non-colonial allies had treaties. We must now turn to consider the evidence for individual treaties.⁵²

Polybius, in his account of the Roman political system, remarks that 'exiles enjoy safety in the territories of Naples, Praeneste, Tibur and the other cities with which the Romans have treaties'.⁵³ Praeneste and Tibur were the two important Latin cities not incorporated into the Roman citizen-body in 338. A rather tendentious discussion by Cicero implies that the treaty-status of Tibur and other Latins rested on the ancient Cassian treaty between Rome and the Latins, and it may be that this was renewed in 338 for those Latins not then given the citizenship.⁵⁴ Lavinium is said by Livy to have had its treaty renewed in 340 and annually

⁴⁹ On the likely context of the fragment see P. Frassinetti, 'Sisenna e la guerra sociale', *Athenaeum* n.s. 50 (1972), 78–113, at 112.

⁵⁰ M. H. Crawford, *Roman Statutes* (London, 1996), no. 2, lines 21 and 50 ('the allies or the Latin name, from whom they are accustomed to demand soldiers in the land of Italy according to the schedule of toga-wearers'); Livy 22.57.10, 27.10.3, 29.15.12. Most of the allies did not wear the toga, but it was apparently by assimilation with the Latins that the term *togati* was applied to them in this phrase and occasionally elsewhere. I cannot accept the view of E. Lo Cascio, 'I togati della *formula togatorum*', *Annali del Istituto Italiano degli Studi Storici* 12 (1991/1994), 309–28, that the term here meant men of military age.

⁵¹ See especially Brunt, *Italian Manpower*, 545–8; Ilari, *Gli Italici*, 57–103; D. W. Baronowski, 'The *Formula Togatorum*', *Historia* 33 (1984), 248–52; Lo Cascio, 'I togati'.

⁵² Bradley, *Ancient Umbria*, 301, gives an analysis on similar lines to the one offered here. Older lists include states for which there is attestation simply of assistance to Rome, with no mention of a treaty: see e.g. Marquardt, *Staatsverwaltung*, vol. 1, 47–8; Beloch, cited n. 4; E. T. Salmon, *The Making of Roman Italy* (London, 1982), 66–7.

⁵³ Polybius 6.14.8.

⁵⁴ Cic. *Balb.* 53–4; see also n. 1, above. Livy makes no reference to treaty renewal in his account of the 338 settlement (8.14). On the treaty-status of Latins see D. W. Baronowski, 'Roman Treaties with Communities of Citizens', *Classical Quarterly* 38 (1988), 172–8 at 172–4.

thereafter, but it may then have been incorporated into the Roman citizen-body.⁵⁵

The Greek city of Naples was besieged and captured by the Romans in 327/6, at the start of the Second Samnite War, and subsequently, probably soon afterwards, received its treaty, also attested in several other sources.⁵⁶ The other Greek cities further south came into the Roman ambit somewhat later, in most cases during the Pyrrhic War. We have already noted the 'most equal' treaty of Heraclea, which perhaps dates to 278 BC.⁵⁷ Cicero (*Balb.* 55) also mentions Velia's treaty. Some of the Greek cities were from time to time asked for warships. Polybius reports ship contributions in 264 at the start of the First Punic War without mentioning treaties, but Livy's reports of such contributions in 210, 191 and 171 explicitly state that they were owed 'by treaty' (*ex foedere*), and Polybius tells us that through his influence the Locrians were excused from their treaty obligation to supply ships for certain campaigns in the 150s.⁵⁸ This evidence makes it certain that Velia, Locri and Rhegium had treaties obliging them to supply ships on demand. The cases of Naples and Tarentum are less certain: both contributed ships in 264, but the one passage in which Livy mentions ships being requisitioned from them by treaty is from a speech and of questionable value.⁵⁹ Tarentum was Rome's leading opponent in the Pyrrhic War and one of the chief rebels in the Hannibalic War. If it did have a treaty, it would have been harsh, but the patchy evidence for the settlements imposed on the city after the two wars makes no reference to a treaty.⁶⁰

Two cities in Umbria are known to have had treaties: Camerinum, whose 'most equal' treaty we have already noted (n. 27), and Iguvium, whose treaty is mentioned by Cicero (*Balb.* 46–7). Livy's account of the formation of Camerinum's friendship with Rome in 310 has questionable features, but that remains the most likely occasion for the treaty.⁶¹

After the conclusion of the Second Samnite War in 304, the Romans moved to strengthen their position in central Italy, in what is now the

⁵⁵ Livy 8.11.15; Oakley, *Commentary*, vol. II, 506–8.

⁵⁶ Cic. *Balb.* 21, 55; Livy 8.26.6; 35.16.3, 8; cf. 29.21.1.

⁵⁷ See above, n. 27. Cic. *Balb.* 50 dates the treaty to the consulship of Gaius Fabricius, presumably his second in 278; for discussion see the works cited by Torelli, *Rerum Romanarum Fontes*, 182.

⁵⁸ Polybius 1.20.14, 12.5.2; Livy 26.39.5, 35.16.3, 36.42.2, 42.48.6–7. On the Greek cities' ship obligations see most recently Lomas, *Rome and the Western Greeks*, 81–4.

⁵⁹ Livy 35.15.3, also wrongly stating that these cities and Rhegium paid tribute.

⁶⁰ Livy *Per.* 14; Zonaras 8.6.13; Strabo 6.3.4; P. Willeumier, *Tarente des origines à la conquête romaine* (Paris, 1939), 139–40, 167.

⁶¹ Livy 9.36; Bradley, *Ancient Umbria*, 107–9.

Abruzzi region. Treaties of alliance were concluded with the Marrucini, Marsi, Paeligni and Frentani in 304 and with the Vestini and (after brief fighting) again with the Marsi in 302.⁶² Thereafter these peoples remained loyal allies of Rome and a key source of manpower until their rebellion in the Social War, and so we can assume that the treaties endured until then.

The remaining evidence is more questionable. Polybius' statement, cited above, seems to imply that only communities with treaties could receive Roman exiles. If this is true, Nuceria in Campania and Tarquinii in Etruria must have had treaties, since they are both known to have received exiles.⁶³ Inscriptions from the imperial period attest claims to treaty-status on the part of Tarquinii and the Faliscan town of Capena, but we cannot be sure that these claims authentically reflect their pre-Social War status.⁶⁴ As we have seen, Livy claims that the Teates in Apulia were given a treaty in 317 (n. 28), but the authenticity of the report is doubtful and the treaty may anyway have lapsed in subsequent warfare. A notice in Livy appears to attest a contribution of four ships under treaty from the inland town of Uria in south-east Italy, but this seems improbable and the text may be corrupt.⁶⁵ Zonaras' description (8.7.4) of the Etruscan city of Volsinii in 265 as *enspoudoi* may mean 'linked by treaty'.

A number of treaties are reported which subsequently lapsed because of renewed hostilities. The most important of these were the treaties with the Samnite League, said to have been made for the first time in 354, and renewed in 341, 304 and 290 after their defeats in their first three wars with Rome.⁶⁶ Others were with the Apulians and Lucanians in 326, the Picentes in 299 and the Lucanians again in 298.⁶⁷ Some of these notices may not be historical, but in any case they can tell us nothing about the status of the peoples concerned after their final defeat.

This enquiry has thus produced a meagre haul. Only fourteen states in the regions of Italy conquered by 265 BC had treaties of alliance with Rome which are securely attested and which we can be confident endured until the Social War, namely two Latin cities (Praeneste and Tibur), five Greek cities (Naples, Velia, Rhegium, Locri and Heraclea), two Umbrian cities

⁶² Livy 9.45.18; 10.3.1, 5; Diodorus 20.101.5.

⁶³ Cic. *Balb.* 28; Livy 26.3.12. However, Latin colonies, usually held not to have had treaties, also received exiles: Cic. *Caec.* 98.

⁶⁴ P. Veyne, 'Foederati: Tarquinies, Camérinum, Capène', *Latomus* 19 (1960), 429–36; Harris, *Rome in Etruria and Umbria*, pp. 86–9; Baronowski, 'Roman treaties', 174–8.

⁶⁵ Livy 42.48.7; Badian, *Foreign Clientelae*, 36, 292.

⁶⁶ Livy 7.19.4, 8.2.1–4, 9.45.4, *Per.* 11; Dion. Hal. 15.7, 17/18.2; Diod. 20.101.5.

⁶⁷ Livy 8.25.3; 10.10.12, 12.1–2; Dion. Hal. 17/18.1.3–4.

(Camerinum and Iguvium), and the five Abruzzi peoples. In addition, there are a further eight states for which treaties are attested with varying degrees of plausibility, namely Capena, Lavinium, Nuceria, Tarentum, Tarquinii, the Apulian Teates, Uria and Volsinii.

This modest total of attested treaties does not in itself refute the usual view that all the non-colonial Italian allies had treaties. In view of the inadequacy of our sources, it is inevitable that our evidence for individual treaties is patchy, and we can be confident that a good many more were concluded that do not happen to be attested. However, it is now clear that the evidential basis for the orthodox doctrine is weak. If neither the generic evidence nor the evidence of individual treaties provides support, why should we believe that all the non-colonial Italian allies had treaties?

Almost all discussions take the orthodoxy for granted. The only modern treatment known to me which offers an argued statement of the case is Harris's discussion of Etruscan treaties. After reviewing the evidence for the Etruscan cities, he moves on to the clinching argument: 'we know of no alternative mechanism of Roman policy which could have seemed appropriate for this case'.⁶⁸ This, it is clear, is the reason why the doctrine of universal Italian treaties has won such general acceptance: treaties are perceived as the only conceivable basis for Roman control over the Italian allies and for the military demands which they made on them. However, the discussion in the previous section has shown that an alternative mechanism was available. Some of the Italian allies may have been bound to the Romans not by a treaty, but simply through *deditio* or capture and subsequent restitution. Although they had recovered their liberty and laws, they will have remained in the Romans' *dicio*, required to do their bidding, which came to include regular demands for troops.

It is likely that the Romans concluded treaties with a higher proportion of the allies whom they acquired during the conquest of Italy than was the case during the period of overseas expansion. The exigencies of the struggle for supremacy will have ensured this: the Romans' superiority was not as great as it was over most of the overseas communities they encountered. However, this does not mean that all those allies got treaties. In my view, there are several considerations which suggest that many were instead in treaty-less alliance following *deditio* or capture.

A number of texts make better sense if possession of a treaty was not universal among the non-colonial Italian allies. Polybius' statement, cited above, that Romans could go into exile in the territory of three named cities and 'the other cities with which the Romans have treaties'

⁶⁸ Harris, *Rome in Etruria and Umbria*, 94.

reads oddly if treaties were universal, but makes good sense if only some of the Italian allies had them.⁶⁹ Livy (8.26.6) justifies his preference for the version in which Naples was betrayed to the Romans in 326 by its own citizens rather than its Samnite garrison partly with the argument that 'the Neapolitan treaty . . . makes it more likely that they themselves had returned to friendship'. This is often taken as indicating that Naples had a comparatively favourable treaty, but Livy's words more naturally imply that possession of a treaty was in itself a mark of Roman favour. This is also the implication of Livy's statement, cited above (n. 28), that, following an Apulian rebellion, the Teates obtained a treaty such that 'they should be . . . under the sway of the Roman people' by promising to bring their fellow Apulians over: in these circumstances, it is implied, even an unequal treaty was a privilege. Livy several times reports Italian communities being refused a treaty and accorded merely a truce: these notices are all of doubtful historicity, but they too imply that Livy envisaged possession of a treaty as a relatively privileged status.⁷⁰

A particular problem for the usual view is posed by the large number of communities in Umbria and Apulia. Is it really likely that the Romans contracted separate treaties with each of these states, many of which were tiny? It is simpler to suppose that, while a favoured few got treaties or other special treatment, the rest merely surrendered and then received (perhaps collectively) restoration of their liberty. This indeed may be implied for most of the Umbrians by Livy's statement that in 308 the people of Oriculum 'were accepted into friendship by a *sponsio*', but 'the other Umbrian peoples surrendered'.⁷¹

We are so inadequately informed about the final phase of the Roman conquest of Italy that no certain conclusions can be drawn about the settlements imposed, but there is much to be said for the view that in many cases they did not involve treaties of alliance.

As we saw above, the Romans maintained down to the 290s a policy of making long-term truces rather than treaties with the Etruscans, but there is evidence that some Etruscan cities may eventually have acquired treaties. The last major bout of fighting with Etruscans extended from about 284 to 280, ending soon after Pyrrhus' arrival in Italy. Zonaras (8.4.2) reports that, when Pyrrhus advanced on Rome in 280, followed

⁶⁹ This is recognised by Sherwin-White, *Roman Citizenship*, 126 n. 2, and F. W. Walbank, *A Historical Commentary on Polybius* (Oxford, 1957), vol. 1, 683, who take Polybius to mean not all communities with treaties but just those whose treaties included the right to receive exiles, but that is not what the Greek says (ταῖς ἀλλαίς, πρὸς ἃς ἔχουσιν ὀρκία).

⁷⁰ Livy 4.30.1; 9.20.3, 37.12, 41.6–7.

⁷¹ Livy 9.41.20; above, n. 30.

by the consul Laevinus, he was hoping to link up with the Etruscans still in arms, but withdrew on learning that they had made agreements with the Romans, so freeing the other consul Coruncanius to move against him. Whatever the value of this notice, it is not unlikely that the Romans' preoccupation with Pyrrhus may have enabled at least some Etruscan cities to obtain treaties.

In the south, however, Pyrrhus' final withdrawal from Italy in 275 left the Romans free to subjugate his former allies, and in 272 Tarentum, the Samnites, Lucanians and Bruttians all submitted. As was noted above (nn. 59–60), there is no good evidence that Tarentum received a treaty. For what it is worth, the statement of the Periocha of Livy book 15 that 'the defeated Tarentines were given peace and liberty' suggests rather restitution of liberty after a *deditio*. As we have seen, the Romans had repeatedly tried to bind the Samnites and Lucanians to them by treaties of alliance, but this policy had always broken down. Why should the Romans have reverted to it yet again, when they had finally crushed all significant opposition in Italy, rather than simply leaving their humbled enemies in their *dicio* without the protection of a treaty? The Samnites suffered extensive confiscations of territory, and the old Samnite League appears now to have been split up into three or more units.⁷² It seems unlikely that any of these was accorded a treaty.

Some minor campaigns followed in 269–265: in the north-east rebellions by Umbrians and Picentes were crushed, and in the south-east the Romans took the opportunity to subjugate the Sallentini. Once again, there was no reason for the Romans to accord any of these a treaty, and, for what it is worth, the statement in the same Livian Periocha suggests the contrary: 'peace was given to the defeated Picentes ... the defeated Umbrians and Sallentini were accepted into *deditio*'.

Treaties and the conquest of Italy

The foregoing discussion has, I hope, shown that the case for the orthodox view that all Rome's non-colonial Italian allies had treaties is very fragile, and that it is plausible to suppose that many of these communities may instead have been in treaty-less alliance following *deditio* or capture. In conclusion, I shall outline some of the implications of this alternative model for our understanding of the Romans' conquest of Italy and their subsequent relations with their Italian allies.

At the end of the Second Samnite War (327–304), the Romans' relationship with the principal belligerents was restored to what it had

⁷² Salmon, *Samnium*, 288–92.

been before the war: truces with Etruscan cities (including some with which the Romans had not earlier dealings), and a treaty of alliance with the Samnites. The terms of the Samnite treaty will no doubt have been less favourable now than when it was first concluded in 354, but we have no reliable details.⁷³ However, in other respects the war (and the campaigns of the immediately following years) massively shifted the balance in the Romans' favour. In central Italy, the Aequi and the Hernican town Anagnina had been incorporated into their citizen body; eight Latin colonies were founded in 314–299, mostly on the Samnites' borders; and Rome had acquired many new allies, in Campania, Apulia, Umbria and the Abruzzi. Seven of these new allies certainly had treaties, namely Naples, Camerinum, and the five Abruzzi peoples, and no doubt there were several more treaty-allies of whom we do not have firm knowledge. However, a good many may not have had treaties, including the smaller Umbrian and Apulian communities, and perhaps some in Campania which had done nothing to earn Rome's favour, for example Nola, a Samnite stronghold until it was captured in 313.⁷⁴

The Third Samnite War (298–290) closed with devastating invasions into the Samnite heartland, but the settlement again restored the treaty of alliance, just as a few years earlier new truces had been made with the Etruscan cities. The last years of the war saw the foundation of a colony at Venusia on the Samnites' eastern frontier and the central bloc of Roman citizens extended by the incorporation of the Sabines, but relatively few new allies were acquired during the war, and two of the alliances which were made, with the Lucanians and Picentes, were to be disrupted by later rebellions.

The Pyrrhic War (282–272) and the further mopping-up campaigns of the immediately following years saw Roman power extended to cover all of Italy south of the Po valley, chiefly by bringing the remaining peoples of this part of Italy into the Roman alliance. These new connections included at least three treaty-allies, namely the Greek cities of Heraclea, Locri and Rhegium, and, as we saw in the previous section, other new treaty-allies may have included at least some of the Etruscan cities.

⁷³ The claims which Dionysius (15.7.2, 17/18.2.1–2) puts into the mouths of Roman speakers in 327 and 298 (and makes a Samnite speaker dispute), that the Samnites' treaty bound them to have the same friends and enemies as the Romans and to do their bidding as subjects, are probably his own invention. See Libero, 'Die Freund-Feind-Klausel', 302–3.

⁷⁴ Capture of Nola: Livy 9.28.3–6; Diod. 19.101.3. Livy's statement (9.43.23) that 'their laws were restored' to the three loyal Hernican towns in 306 may imply that they were thereafter treaty-less allies, but the old treaty with the Hernici, said to have been originally concluded in 486 (Livy 2.41.1; Dion. Hal. *Ant. Rom.* 8.69.2), may have been regarded as still in force for them.

However, as was argued there, the Samnites and the other peoples who were finally defeated in 272–265 were probably not accorded treaties.

The assistance of loyal allies like the Marsi was vital in the later phases of the conquest of Italy, but it may not have been until some time after the conquest was completed that the Romans felt ready to make much use of defeated enemies like the Samnites as soldiers. As it happens, the only way in which we hear of Samnites being called on during the First Punic War is as ships' crews.⁷⁵ It was perhaps at the time of the great Gallic scare of 225 BC that the levying of Italian troops was put on a regular footing. As has often been suggested, the returns of manpower collected then and reported by Polybius (2.23–4) may have formed the basis for the *Formula Togatorum*. In the following years the heavy demands of the Hannibalic War, followed by the great wars of the early second century BC, will have made the annual summoning of allied contingents an established practice.

Most of Rome's allies in southern Italy defected to Hannibal. At least some of the Greek cities retained their treaties in the post-rebellion settlement, and Heraclea continued to enjoy its exceptionally favourable treaty: clearly the Roman government must have decided on leniency in these cases on the ground that the rebellions had been made under duress.⁷⁶ On the view taken here, most of the other rebels had not had treaties before their rebellion, and so will merely have reverted to their treaty-less status, with further penalties such as loss of land.⁷⁷

As we have seen, the terms of the treaties held by Italian allies are likely to have varied widely, according to the circumstances in which they were concluded. Strictly, the Romans will not have been entitled to demand military assistance at will from those with fully equal treaties, and it may be that Camerinum at least was exempt from the requirements of the *Formula Togatorum*, although it is known to have zealously contributed troops.⁷⁸ Most of the treaties probably imposed some form of unequal obligation on Rome's partners, but few, if any, will have been as unilateral or as harsh as the Aetolian treaty of 189. Despite their variations, all the Italian treaties probably gave those who made them a more favourable status than that of the treaty-less allies.

⁷⁵ Zonaras 8.11.8–9.

⁷⁶ On the Greek cities in the Second Punic War and the ensuing settlements see Lomas, *Rome and the Western Greeks*, 59–76. Rebellion of Heraclea: Appian, *Hann.* 35.

⁷⁷ The Bruttians, and according to Strabo also the Lucanians and Picentini, were punished for their loyalty to Hannibal by not being levied as soldiers, but used merely as magistrate's attendants and couriers: Festus 28 L; Gell. 10.3.17–19; Appian, *Hann.* 61; Strabo 5.4.13; Brunt, *Italian Manpower*, 278–80.

⁷⁸ Cf. Toynbee, *Hannibal's Legacy*, vol. 1, 264–5 (but Livy 28.45.20 does not prove that Camerinum was exempt from the *Formula*).

Such distinctions inevitably became progressively less important in practice, in the face of the nearly universal demands of the levy and, in the second century, the Roman government's growing tendency to make regulations for all of Italy. Treaty rights did nonetheless still have some value. Some allies, as we have seen, appealed to their treaty rights against the intrusions of the Gracchan commissioners. When the Social War broke out in 91, the great bloc of central Apennine treaty-holders, the Marsi and their neighbours, formed the core of the rebels demanding Roman citizenship, but most of the other rebels may have been treaty-less. As Cicero (*Balb.* 21) tells us, in two Greek cities, Naples and Heraclea, a great part of the citizen body valued 'the liberty of their treaty' so highly that they were reluctant to exchange it for Roman citizenship. An inscription of the third century AD (*ILS* 432) shows the people of Camerinum still cherishing 'the equal right of their treaty'.

It is usually supposed that, during the conquest of Italy, the Romans sought to bind by treaties of alliance all those communities which they did not incorporate into their citizen-body. The reconstruction offered above suggests a more complex evolution of Roman policy, with the alternative, and less favourable, status of treaty-less ally assuming increasing importance in the last phase of the conquest of Italy. If this is correct, it was not by a sharp change, but a natural further development, that that status became the most common basis for the Romans' relationships with their overseas allies. The demands they made of their Italian allies differed from those imposed on the provincials, but this reflected the Romans' evolving needs rather than corresponding to differences in the allies' formal status.

This chapter has had a specific focus, with its primary aim being the propounding of a novel conception of the role of treaties of alliance in the extension of Roman dominance in Italy. I hope, however, that it has also made a contribution to the study of the wider themes with which this volume engages, illustrating as it does the role of treaties and other forms of association in the development of imperial power by the state which came to hold a greater and more lasting dominance than any other in the ancient world.⁷⁹

⁷⁹ Versions of this chapter were read at the Anglo-American Conference of Historians session on 'Treaties and Truces' and subsequently at seminars in London and Nottingham. I am very grateful to the audiences on those occasions for their comments and to Michael Crawford, Kathryn Lomas and Stephen Mitchell for further assistance.

5 *Parta victoriis pax*: Roman emperors as peacemakers

Philip de Souza

One of the most prominent cultural and political features of the ancient world is the extent to which the authority and power of rulers was directly derived from their success in war. Victory showed that they were effective leaders, capable of protecting those who acknowledged their rule, bringing them material benefits in the form of booty, slaves and territory, as well as the less tangible, but nonetheless important, rewards of prestige and status. It was also a key way for rulers to demonstrate that their authority was divinely ordained and approved. As ancient states became larger and more complex, however, the establishment and maintenance of peace emerged as a key consideration alongside success in war. This chapter will discuss the political consensus that developed in the first four centuries of the Roman Empire (c. 31 BC–AD 400) concerning the role of the emperor as a maker of war and an establisher of peace. In particular it will analyse the nature and extent of the approval, criticism and opposition to the activities of individual emperors among the aristocratic elite of the Roman world, on whom the emperors relied heavily for political support.¹

By the beginning of the first century AD the territory of the Roman Empire (*imperium Romanum*) extended from Spain and Gaul in the West as far as Armenia and the River Euphrates in the East, where a disputed frontier zone separated it from the Parthian Empire. Most of this territory had been acquired through centuries of warfare under the leadership of the Roman Republic's ruling senatorial aristocracy, whose authority depended to a great extent on their ability to wage these wars successfully. Roman cultural values placed a high premium on the prestige gained from the prosecution of wars against foreign peoples.²

¹ An early version of this chapter was delivered as a seminar paper at the Celtic Classics Conference in Glasgow, September 2002. My thanks to Theresa Urbainczyk who organised the session and the participants who offered helpful comments and suggestions.

² See W. V. Harris, *War and Imperialism in Republican Rome 327–70 BC* (Oxford, 1979), 9–53; D. C. Earl, *The Moral and Political Tradition of Rome* (London, 1967), 20–35.

In order for the Roman people and their allies to be persuaded to cooperate with the military ambitions of the senatorial aristocracy, these wars had to be justified religiously, morally and practically. On the practical level the aristocracy played on insecurities and fears, whilst also exploiting the desires and ambitions of their citizens and allies. In moral terms emphasis was placed upon the defence of allies and resistance to aggressive enemies. Elaborate procedures were followed, including diplomatic and religious rituals presided over by a college of priests called *fetiales* to ensure that, in the eyes of Jupiter at least, the Romans were fighting a 'just war' (*bellum iustum*). Modern scholarship has shown how hollow and disingenuous these justifications often were, coming as they did from an aristocratic leadership whose collective and individual interests were best served by the continuous prosecution of wars of aggression and expansion.³ Nevertheless they were effective in allowing the resources of the Roman state (*res publica*) to be mobilised for war under the direction of the aristocratic elite. By the Late Republic (133–31 BC) an ideology of war and peace had emerged according to which all of Rome's external wars were just ones, undertaken with the purpose of defending allies or answering aggression (whether actual or potential) by Rome's enemies. Their declared aim was always the imposition or restoration of a peace (*pax*) that was advantageous to the Romans and their allies. *Pax* was often achieved as the result of a war and the truce or treaty which was negotiated on its conclusion, but it might be obtained by direct negotiations without recourse to war.⁴

Given the militaristic nature of Roman culture, it is no surprise that the violent resolution of internal disputes was often a feature of Roman politics, albeit on a relatively small scale until the Late Republic. In this period, as the leading aristocrats competed ever more keenly for the wealth, power and prestige that the expanding empire provided, civil strife increased in frequency and intensity. It was repeatedly justified in terms of the overthrow of individuals or groups who threatened the harmony of the state and the rights and values of the citizens. Civil wars were seen as a regrettable but necessary last resort for the restoration of political and social harmony within the *res publica*, an appropriate means

³ See Harris, *War and Imperialism*, 166–75; J. Rich, 'Fear, Greed and Glory: The Causes of Roman War-Making in the Middle Republic', in J. Rich and G. Shipley (eds.), *War and Society in the Roman World* (London, 1993), 61; T. J. Cornell, 'The End of Roman Imperial Expansion', in J. Rich and G. Shipley (eds.), *War and Society in the Roman World* (London, 1993), 141–2.

⁴ See the paper by John Rich in this volume and also J. W. Rich, 'Augustus, War and Peace', in L. de Blois *et al.* (eds.), *The Representation and Perception of Roman Imperial Power* (Amsterdam, 2003), 329–57.

of bringing about the restoration of *libertas* (political freedom), the establishment of *concordia* (harmony among the citizens, especially the aristocracy), and the prevention of *regnum* (quasi-monarchical rule) by an individual aristocrat and his followers.⁵

Among the best ancient sources we have for the articulation and interpretation of this ideology are the works of the Roman statesman and author Cicero. His numerous published political speeches and theoretical discussions of political and moral issues are indicative of how he and his contemporaries felt and spoke about them, although he often presents matters in a somewhat idealised and dogmatic fashion. In 56 BC, seeking to persuade a jury that they should acquit Publius Sestius, a senator who had supported him against his radical and violent political opponents, Cicero articulated a political agenda for the leading men among the Roman aristocracy:

What, therefore, should be the guiding principles and objectives for those who would govern the state? They are the most excellent, most desirable ones for all men of common sense, integrity and prosperity: peace with honour. (*Quid est igitur propositum his rei publicae gubernatoribus quod intueri et quo cursum suum derigere debeant? id quod est praestantissimum maximeque optabile omnibus sanis et bonis et beatis, cum dignitate otium*.) (Cic. *Sest.* 98)⁶

He then described what it was that those who would govern the state should safeguard, listing what he felt, and what he hoped the aristocratic jury would feel, were the fundamental building blocks for the construction of an enduring state of peace with honour: respect for religious observances, taking of the auspices, the power of the magistrates, the influence of the Senate, laws, ancestral customs, judgements delivered by courts, trust between Rome and her subjects and allies, imperial glory sustained by armies and revenues.

Like many of his contemporaries, Cicero was anxious to avoid a repetition of the internal conflicts that had decimated recent generations of the aristocracy, but he was not opposed to the pursuit of military glory

⁵ For a concise narrative and analysis see M. H. Crawford, *The Roman Republic* 2nd edn (London, 1992), 94–186. On the close associations between the concepts of *pax* and *concordia* see S. Weinstock, ‘Pax and the “Ara Pacis”’, *Journal of Roman Studies* 50 (1960), 45–6.

⁶ Several words were used for peace in ancient Latin. As well as *pax*, *otium* or *quies* could be used, although the latter terms were rarely employed with reference to foreign relations. The principal ancient Greek word was *eirene*. The Latin words that are translated as peace and honour here, *otium* and *dignitas*, refer to the internal political order and tranquillity that were lost in times of civil strife. *Otium* is used in a similar way in *de Officiis* below. This chapter does not attempt a philological analysis of the terminology, but Latin texts are quoted wherever the precise wording may be relevant. Translations are my own unless stated otherwise.

through the extension of the *imperium Romanum*. He recognised that the achievements of great generals were vital to the continuation of Roman power and prosperity, although he preferred to believe, and to encourage the belief, that the gods granted victory to the Romans because their cause was just. In one of Cicero's more personalised works, the treatise *On Duties* (*de Officiis*), composed in 44 BC, which might be described as his handbook for the ideal Roman statesman, there is a lengthy discussion of moral obligations and laws regarding war and the treatment of enemies. Cicero puts the case thus:

Wars should be undertaken only with the aim of *living in peace and security*; and when victory has been achieved, the enemy must be spared, unless he has shown that he is cruel and uncivilised. (*Quare suscipienda quidem bella sunt ob eam causa, ut sine iniuria in pace vivatur, parta autem victoria conservanda ii, qui non crudeles in bello, non immanes fuerunt.*) (Cic. *Off.* 1.35)

Later on, however, Cicero acknowledges that, 'Most men accord much higher prestige to what is achieved in war than in peace.' (Cic. *Off.* 1.74) He argues that major peacetime achievements can be as great as those in wartime, and recalls his own, non-belligerent, triumph against the revolutionary Catiline, claiming that 'Although the *res publica* had never been in greater danger, at no time did we enjoy a sweeter peace' (*neque enim periculum in re publica fuit gravius unquam nec maius otium*) (Cic. *Off.* 1.77). This allows him to argue that 'men who rule the state in togas are every bit as important as soldiers' (Cic. *Off.* 1.79) and to restate his conclusion that, although war will sometimes be the only resort, no matter how much wisdom is deployed in diplomatic negotiations, 'war should be embarked upon in such a way as to make it clear that its only purpose is to achieve peace' (*Bellum autem suscipiatur, ut nihil aliud nisi pax quaesita videatur.*) (Cic. *Off.* 1.80). The principle that Cicero enunciates here was one that the generals of the Late Republic adhered to, at least in a formal manner, whenever they made war. Thus, even the great imperialist Julius Caesar took care to argue in his *Gallic Wars* that he had attacked the various Celtic and Germanic tribes in order to defend Roman territory, or that of Rome's friends and allies, and to establish a secure and honourable peace.⁷

The civil wars that followed the death of Julius Caesar in 44 BC resulted in a new focus of political authority in the Roman Empire on the position of emperor, or *princeps*. This position was devised by its first holder, Julius Caesar's heir, Gaius Julius Caesar Octavianus, who took the name Augustus in 27 BC. He established a highly influential model for subsequent emperors in terms of both his actions and his presentation of those

⁷ E.g. Caes. *Bell. gall.* 1.13–14; 35–46; 2.12–15.

actions. Of particular relevance for this chapter is the manner in which he presented and justified his wars, civil as well as foreign. An official version of this nascent imperial ideology can be found in the famous *Res Gestae divi Augusti*, described by the imperial biographer Suetonius as 'a record of his achievements which he desired to be engraved on bronze tablets and set up in front of his mausoleum' (Suet. *Aug.* 101.4). Besides the fourth section of the document, in which Augustus summarises his credentials as a successful military leader, there are several sections that illustrate the tenor of this Augustan version of the Roman ideology of war and peace:

(1) At the age of nineteen I assembled an army on my own initiative and at my own expense, with which I delivered the oppressed Republic into liberty from the tyranny of a faction. (*Amos undeviginti natus exercitum privato consilio et privata impensa comparavi, per quem rem publicam a dominatione factionis oppressam in libertatem vindicavi.*)

...

(3) I fought many wars by land and sea, both civil and foreign, throughout the world, and as the victor I spared all those citizens who sought forgiveness. Foreign peoples, who could be pardoned in safety, I preferred to preserve rather than exterminate. (*Bella terra et mari civilia externaque toto in orbe terrarum saepe gessi, victorque omnibus veniam petentibus civibus peperi. Externas gentes, quibus tuto ignosci potuit, conservare quam excidere malui.*)

...

(13) The temple of Janus Quirinus, which our ancestors ordered to be closed whenever there was peace created through victories throughout the whole empire of the Roman people by land and sea, which, prior to my own birth, the traditions record to have been closed twice in all since the founding of the city, the senate ordered to be closed three times while I was *princeps*. (*Ianum Quirinum, quem clausum esse maiores voluerunt cum per totum imperium Romani terra marique esset parta victoriis pax, cum, priusquam nascerer, a condita urbe bis omnino clausum fuisse prodatur memoriae, ter me principe senatus claudendum esse censuit.*)

...

(26) I extended the boundaries of all the provinces of the Roman people on the borders of which there were nations who had not submitted to our empire. I pacified the Gallic and Hispanic provinces, just as I did Germany, incorporating an area bounded by the Ocean, stretching from Cadiz to the mouth of the river Elbe. I brought peace to the Alpine region from the lands on the Adriatic to the Tuscan seas, undertaking no unjust wars against any people. (*Omnium provinciarum populi Romani quibus finitimae fuerunt gentes quae non parerent imperio nostro fines auxi. Gallias et Hispanias provincias, item Germaniam, qua includit Oceanus a Gadibus ad ostium Albias fluminis pacavi. Alpes a regione ea quae proxima est Hadriano mari ad Tuscum pacificavi nulli genti bello per iniuriam inlato.*)⁸

⁸ The text is that in P. A. Brunt and J. M. Moore, *Res Gestae Divi Augusti* (Oxford, 1967).

From these extracts we can see how Augustus emphasised that his rise to power through warfare was done in order to liberate the state 'from the tyranny of a faction', in keeping with the ideology established in the Late Republic. The military basis of his power was publicly acknowledged by Augustus' use of the title *imperator*, a title that was traditionally awarded to Roman commanders who had achieved victory in war. This is the title from which the word 'emperor' is derived.⁹ Thus, although official documents and contemporary literature stressed the legal and constitutional basis of Augustus' power, there was no attempt to disguise the fact that he had achieved his right to rule as the result of his military achievements. Rome's soldiers swore loyalty to the *princeps* and his family, and great efforts were made to ensure that their loyalty was steadfast.¹⁰

Augustus' record of imperialist expansion was second to none in the whole of Roman history. Augustus confidently proclaimed that he was a successful war leader, who, in overcoming foreign enemies like the Dalmatians, the Egyptians, the Gauls, the Iberians and the Germans, and in dealing with dissident or rebellious Roman citizens like Sextus Pompeius and Marcus Antonius, had secured peace for the Roman world. The *Res Gestae* emphasise that, in keeping with the ideology developed in the Late Republic, the wars Augustus conducted were just wars, fought to bring peace to Rome and her provinces. They were characterised by restraint and the sparing of enemies, so long as this was consistent with the safety of the Roman state and its citizens. It would appear that Augustus was careful to maintain an official façade of acting in a non-aggressive manner towards foreign peoples. Hence Suetonius' *Life of Augustus* lists his personal campaigns and those won on his behalf by his deputy generals (*legati*), but follows up that list with what seems to be a statement of the *princeps*' official policy:

He never made war on any people without a just and compelling cause, and he was so far from desiring in any way to increase either the empire or his own military glory, that he compelled some of the barbarian leaders to swear in the temple of Mars the Avenger that they would keep faithfully to the peace terms that they had sought. (*nec ulli genti sine iustis et necessariis causis bellum intulit. Tantumque abfuit a cupiditate quoquo modo imperium vel bellicam gloriam augendi, ut quorundam barbarorum principes in aede Martis Ultoris iurare coegerit, mansuros se in fide ac pace, quam peterent.*) (Suet. *Aug.* 21)¹¹

⁹ Subsequent emperors did not always use this title in the same fashion, see R. Syme, 'Imperator Caesar: a Study in Nomenclature', *Historia* 7 (1958), 172–88.

¹⁰ See J. B. Campbell, *The Emperor and the Roman Army 31 BC – AD 235* (Oxford, 1984), 17–156; Campbell, *War and Society in Imperial Rome* (London, 2002), 106–12.

¹¹ See Dio 53.10.5; 54.9.1, with Cornell, 'The End of Roman Imperial Expansion', 141–50.

As the prominence accorded in the *Res Gestae*, and echoed by Suetonius (*Aug.* 22), to the symbolic closing of the doors of the temple of Janus vividly indicates, the key point was that the end result of Augustus' wars was *parva victoriis pax* (peace created through victories).

Virgil, the most important of all the Augustan poets, brilliantly epitomised the prevailing view of the nature of this Roman peace in the sixth book of his epic poem, the *Aeneid*. His spokesman is Anchises, the recently deceased father of Aeneas, who invites his son to witness in the Underworld a parade of Rome's greatest leaders. The centrepiece of that prescient tableau is of course, Augustus himself, whom Anchises predicts is destined to extend Rome's empire as far as Africa and India and to make his power felt as far away as Egypt and the Caspian Sea (*Virg. Aen.* 6.791–800). The roll-call of war leaders ends with a revised mission statement for Roman imperialism:

Romans, remember to rule the peoples through your Empire, for these will be your arts, to firmly establish the ways of peace, to spare the conquered and war down the proud. (*Tu regere imperio populos, Romane, memento, hac tibi erunt artes, pacique imponere morem, parcere subiectis et debellare superbos.*) (*Virg. Aen.* 6.851–53)

The Augustan historian Livy praised Romulus, the founding king of Rome, for strengthening the city in both war and peace (*bello ac pace firmandae*). (*Livy* 1.15.6–7).¹²

Livy and his war-weary contemporaries were keen to celebrate and encourage peace after so many years of costly civil and foreign warfare. Augustus' victories engendered a feeling of relief and optimism among the aristocracy and Rome's citizens as a whole, which is probably best summed up by the description which Velleius Paterculus gives in his brief *Roman History* of the situation in 29 BC:

There is nothing then that men can wish for from the gods, nor the gods offer to men, no desire that can be conceived of in prayer, nor brought about by good fortune, that Augustus did not immediately deliver to the Republic, the Roman people and the whole world after his return to the city. Twenty years of civil wars were ended, foreign conflicts were buried, peace was brought back again, everywhere the rage of armed conflict was put to rest, strength was restored to the laws, authority to the courts, dignity to the senate, the power of the magistrates was reduced to its former level ... the ancient and traditional form of the Republic was restored ... Even a writer who was expecting to spend his whole life's span on that one task would become exhausted retelling the wars waged under his supreme command, and the pacification of the world through his victories, and his many works at home and outside of Italy. (*Nihil deinde optare a dis*

¹² See also Livy 1.16 on Rome's mission to conquer the world.

homines, nihil dii hominibus praestare possunt, nihil voto concipi, nihil felicitate consummari, quod non Augustus post reditum in urbem rei publicae populoque Romano terrarumque orbi repraesentaverit. Finita vicesimo anno bella civilia, sepulta externa, revocata pax, sopitus ubique armorum furor, restituta vis legibus, iudiciis auctoritas, senatui maiestas, magistratuum ad pristinum redactum modum . . . Prisca illa et antiqua rei publicae forma revocata . . . Bella sub imperatore gesta pacatusque victoriis terrarum orbis et tot extra Italiam domique opera omne aevi sui spatium impensurum in id solum opus scriptorem fatigarent.) (Vell. Pat. 2.89.)

Although the historian himself was only born around 20 BC, various members of Velleius' family had been involved on both sides of the civil wars and political upheavals that heralded the Principate. He had a successful military and senatorial career under Augustus and Tiberius, rising to the rank of praetor in AD 15. He dedicated his *Roman History* to Marcus Vinicius, the consul of AD 30, so his comments can be taken as a fair reflection of the ideals and aspirations of the people on whom the early emperors depended.¹³

A similar sentiment is expressed in the official hymn composed by the Augustan poet Horace for the celebration of the *Ludi Saeculares* in 17 BC, a festival of thanksgiving supposed to be celebrated every 100 years. Horace includes an invocation to the god Apollo to grant the prayer of Augustus, who traced his lineage back to the goddess Venus through the family of Julius Caesar, supposedly descendants of Aeneas' son Iulus (Hor. *Carm. Saec.* 49–60):

And when the illustrious descendant of Anchises and Venus worships you with the blood of white oxen, may his prayer be answered, to be foremost in waging war, yet mild to the vanquished enemy. Powerful now by land and sea, the axe of Roman authority brings fear to the Mede and the Albanian, now the Scythians and Indians, lately so proud, seek a favourable reply. Now Faithfulness, Peace, Respect, time-honoured Decency and long neglected Virtue dare to return, and blessed Plenty manifests herself, her horn overflowing.

*(quaeque vos bubus veneratur albis
clarus Anchisae Venerisque sanguis,
impetret, bellante prior, iacentem
lenis in hostem.*

*iam mari terraque manus potentis
Medus Albanasque timet secures,
iam Scythae responsa petunt superbi
nuper et Indi.*

¹³ On the career of Velleius see A. J. Woodman, 'Velleius Paterculus', in S. Hornblower and A. Spawforth (eds.), *The Oxford Classical Dictionary*, 3rd edn (Oxford, 1996), 1585.

*iam Fides et Pax et Honos Pudorque
priscus et neglecta redire Virtus
audet, apparetque beata pleno
Copia cornu.)*

Wars would, of course, continue to be fought under Augustus' leadership and that of his successors, but the overwhelming message that the purveyors of the Augustan ideology presented to their elite Roman audiences was that these wars would simply reinforce the glory and power of the Roman people until, as the last of Horace's famous *Odes* proclaims, the whole world would be bound by the imperial peace (Hor. *Carm.* 4.15.4–24):

Your era, Caesar, returns the fruits of the earth to the fields in abundance, and restores our standards to Jupiter, ripped away from proud, Parthian pillars; it closes the Temple of Janus Quirinus, empty of war, and hauls rampant Licentiousness back onto the straight and narrow; it removes the causes of wrong, recalling the old ways, through which the Latin spirit and the strength of Italy grew great, her reputation and the splendour of her empire reaching out to the sun's rising from his setting in the west. With Caesar as guardian of the state, neither civil discord nor violence shall drive away peace, nor shall Rage, which forges the sword of enmity and brings misery to cities. Those who drink from the deep waters of the Danube, shall not break the promises made to the Julians, nor shall the Getae, nor the Silk-makers, nor perfidious Persians, nor even those born beside the river Don.

*(tua, Caesar, aetas
fruges et agris rettulit uberes,
et signa nostro restituit Iovi
derepta Parthorum superbis
postibus et vacuum duellis*

*Ianum Quirini clausit et ordinem
rectum evaganti frena licentiae
iniecit emovitque culpas
et veteres revocavit artis,*

*per quas Latinum nomen et Italiae
crevere vires, famaue et imperi
porrecta maiestas ad ortus
solis ab Hesperio cubili.*

*custode rerum Caesare non furor
civilis aut vis exigit otium,
non ira, quae procudit ensis
et miseras inimicat urbis.*

*non qui profundum Danuvium bibunt
edicta rumpent Iulia, non Getae,
non Seres infidive Persae,
non Tanain prope flumen orti.)*

The testimony of Horace and Velleius accords closely with that of the *Res Gestae* in emphasising the view that the Augustan peace was achieved as the result of victories, both at home and abroad; the *princeps* was a peacemaker because he was an *imperator*. Augustus did his best to live up to the expectations of this ideology, and he encouraged a consensus among his subjects that their chance to appreciate the benefits of the Augustan Peace (*pax Augusta*) was ample justification for the Principate.¹⁴ It is clear that by the end of Augustus' reign, and probably much earlier, peace did not literally have to have been obtained by force of arms, as John Rich has shown, because the Roman people were happy to accept the achievement of peace and domination over the known world through diplomatic means. Indeed, even the most innocuous of peaceful contacts with far-away rulers and peoples could be represented as a form of conquest and submission.¹⁵

An important way in which the emperor's role as the bringer of peace through victories was emphasised was through the visual imagery of the Principate. A statue of the winged goddess who was the usual Greek personification of Victory (*Victoria*) was placed atop the newly rebuilt Senate house, finished in 29 BC. Inside there was also an altar to Victory.¹⁶ The most celebrated example of all, however, is the Altar of Peace or *Ara Pacis*, a monumental altar in the Campus Martius, voted for by the Senate in 13 BC in thanksgiving for Augustus' return from a lengthy visit to Spain and Gaul, and dedicated in 9 BC. It was surrounded by an elaborately sculpted marble enclosure, with allegorical friezes. One panel depicts the goddess Roma amid trophies of victory and accompanied by personifications of *Virtus* and *Honor*, two of the deities invoked by Horace in the *Carmen Saeculare*. Another presents a female figure that has been variously interpreted as Italy, Mother Earth and more persuasively *Pax*, surrounded by children, animals, with the literal fruits

¹⁴ On the establishment and pervasiveness of this consensus see also E. S. Gruen, 'Augustus and the Ideology of War and Peace,' in R. Winkes (ed.), *The Age of Augustus* (Louvain, 1985), 51–72; Cornell, 'The End of Roman Imperial Expansion'; G. Woolf, 'Roman Peace', in J. Rich and G. Shipley (eds.), *War and Society in the Roman World* (London, 1993), 139–94; C. Ando, *Imperial Ideology and Provincial Loyalty in the Roman Empire* (Berkeley, Los Angeles and London, 2000), chs. 2 and 8.

¹⁵ See Rich, 'Augustus, War and Peace', 332–42; C. R. Whittaker, *Rome and its Frontiers: The Dynamics of Empire* (London, 2004), 28–49.

¹⁶ P. Zanker, *The Power of Images in the Age of Augustus* (Ann Arbor, 1988), 79–81.

of peace on her lap, and attended by two other goddesses personifying justice and prosperity.¹⁷ A more overtly militaristic atmosphere was to be found in the new Forum of Augustus, where the Temple of Mars the Avenger (*Mars Ultor*) provided a permanent reminder of the power of Rome to overcome those who challenged the imperial peace by force of arms. The standards recovered from the Parthians were placed inside; vassal chieftains and embassies from foreign rulers swore allegiance or friendship to Rome there; meetings of the Senate to debate and declare war took place there; aristocratic boys received their first togas there. In the centre of this forum was a statue of Augustus in a four-horse chariot atop a plinth on which was inscribed a list of all his military victories.¹⁸

Acknowledgement of the emperor's peacemaking achievements was not confined to the people of Rome and Italy. The start of a new era of peace and freedom was proclaimed to the provincial subjects of the *imperium Romanum*, who received it with the same enthusiasm as citizens in Italy and Rome. For example, the imagery of Augustus as peacemaker features on a *cistophorus* coin struck in 28 BC in the province of Asia. It bears on its obverse the head of Augustus, wreathed in the laurel of victory and surrounded by an inscription proclaiming: IMP. CAESAR DIVI F. COS. VI LIBERTATIS P. R. VINDEIX (Imperator Caesar, son of the god, consul six times, defender of the liberty of the Roman People), while on its reverse is portrayed a goddess labelled PAX (Peace), also surrounded by laurels. A persistent theme of Late Republican and Augustan ideology was the claim that Roman victories had secured peace for the whole world, on both land and sea.¹⁹ The claim was an exaggerated one, as we have seen from the way that Horace imagines Parthians, Scythians, Indians and even the Chinese acknowledging the emperor's authority.²⁰ Nevertheless it was gladly received and propagated by the ruling elites throughout the provinces of the Roman Empire who were eager to share in the prestige and power that the Augustan Principate offered to its adherents. Augustus specifically claimed in his *Res Gestae* to have made the sea peaceful by eradicating piracy (*Res Gestae* 25: *mare pacavi a praedonibus*).²¹ For those provincial subjects whose trade was vital to the economic and political well-being of Rome this aspect of the *pax Augusta*

¹⁷ N. T. de Grummond, 'Pax Augusta and the Ara Pacis Augustae', *American Journal of Archaeology* 94 (1990), 663–77; Zanker, *Power of Images*, 172–9; K. Galinsky, *Augustan Culture: An Interpretive Introduction* (Princeton, 1996), 141–55; see also Ovid *Fasti* 709–22.

¹⁸ Zanker, *Power of Images*, 210–15; Galinsky, *Augustan Culture*, 197–213.

¹⁹ Cornell, 'The End of Roman Imperial Expansion', 166–8.

²⁰ On the Romans' conception and presentation of imperial power beyond their provinces see Whittaker, *Rome and its Frontiers*, chs. 1, 2 and 7.

²¹ See further P. de Souza, *Piracy in the Graeco-Roman World* (Cambridge, 1999), ch. 6.

was hugely important. Suetonius recounts an incident that occurred in AD 14, right at the end of Augustus' life:

He happened to be sailing through the gulf of Puteoli when the passengers and crew of an Alexandrian ship which had only just arrived, putting on white robes and garlands and burning incense wished him all good fortune and sang extravagant praises: 'Because of him we are able to live and through him we are able to sail, our freedom and our good fortune we enjoy because of him!' (Suet. *Aug.* 98)

The historian and geographer Strabo, born *c.* 64 BC at Amaseia in Pontus and writing very soon after the death of Augustus, articulated how the Augustan Peace had transformed the known world from the perspective of elite society in the Greek-speaking eastern provinces. He proclaimed that it had made merchants feel confident that they could sail the seas between Spain and Italy without fear of attack (Str. 3.2.5). Strabo also confirmed the Roman world view by dividing the inhabited regions (*oikoumene*) into the best parts, which the Romans had secured under their unrivalled beneficial rule, and the inferior parts, inhabited by barbarians, nomads and pirates (Str. 17.3.24). He praised Augustus for subdividing the Roman Empire into those provinces that were peaceful and did not require military forces, and those that were garrisoned and more difficult to rule, because they had only recently been conquered, or bordered on barbarian lands whose inhabitants threatened the peace and security of the rest (Str. 17.3.25).

The consensus view of the emperor as the provider of peace through war that was established by Augustus lasted well into the second century AD and beyond. The official version of the establishment of peace by virtue of Augustus' victories in the civil wars which the *Res Gestae* offers, and which the coins, the Ara Pacis, the poetry of Horace, the prose of Velleius Paterculus and other sources loyally echo, is reflected in a more antagonistic manner by the greatest Latin historian of the Principate, Cornelius Tacitus who wrote at the beginning of the second century AD. His works are indicative of a growing level of criticism and opposition among the Roman senatorial aristocracy to aspects of the imperial ideology. In the prologue to his account of the successors of Augustus, the *Annals*, Tacitus summed up the establishment of the Principate thus:

But when he had seduced the army by gifts, the common people by the provision of cheap food and everyone by the blandishments of peace, then little by little he began to enlarge his powers. (*ubi militem donis, populum annona cunctos dulcedine otii pellexit, insurgere paulatim.*) (Tac. *Ann.* 1.2.)

He concluded his characteristically cynical summary of Roman legal history in the third book of his *Annals* in a similar vein:

Eventually, in his sixth consulate [28 BC] Caesar Augustus, secure in his power, did away with all that he had decreed in his triumvirate and gave us laws which we might enjoy along with peace and the princeps. (*Sexto demum consulatu Caesar Augustus, potentiae securus, quae triumviratu iusserat abolevit deditque iura quis pace et principe uteremur.*) (Tac. *Ann.* 3.28)

An earlier version of this idea is to be found in the opening remarks of his *Histories*, written before the *Annals*, which begins with the establishment of the Flavian dynasty:

I start my work in the year that Titus Vinius and, for the second time, Servius Galba were consuls [AD 69]. This is because the period of 820 years from the founding of the city has been covered by many historians. While they were recounting the tale of the Roman Republic they wrote with eloquence and independence in equal measures. After the war had been won at Actium and it was in the interests of peace that all power be conferred on one man, these great talents were retired. (*Initium mihi operas Servius Galba iterum Titus Vinius consules erunt. nam post conditam urbem octingentos et viginti prioris aevi annos multi auctores rettulerunt, dum res populi Romani memorabantur pari eloquentia ac libertate. postquam bellatum apud Actium atque omnem potentiam ad unum conferri pacis interfuit, magna illa ingenia cessere.*) (Tac. *Hist.* 1.1)

Modern historians have debated the slow-down in Roman imperial expansion that prompted Tacitus to lament the lack of suitable material for historians. It is not simply the case that under the Republic wars were fought to expand, whereas under the Principate the only wars that were embarked upon by Augustus' successors were aimed at the consolidation of territory or the suppression of internal unrest.²² Tim Cornell has argued that the cost of Roman imperial conquests was not prohibitive, but in his analysis of the decline in expansionist warfare, he has suggested that the establishment of a standing army by Augustus gave rise to the need to justify its maintenance to the citizens and the aristocracy.²³ This need was felt both in Italy and, later on, in the provinces, since it was provincial taxation that met the main costs of the army. It was partly this need that encouraged Augustus to make use of his army in the expansionist wars that were fought during his reign. When it was combined with the Romans' traditional preference for leaders who were successful commanders, it provided a powerful incentive for emperors to go on the

²² For a concise discussion of the main issues see Campbell, *War and Society in Imperial Rome*, 4–21.

²³ Cornell, 'The End of Roman Imperial Expansion,' 147–9.

offensive. The obvious question that arises at this point is: what counter-incentives were there for the successors of Augustus that might dissuade them from undertaking new campaigns?

An emperor's personal inclinations clearly played some part in determining whether or not aggressive campaigns were undertaken. We lack direct attestation of the preferences of individual emperors, so comments such as those that Tacitus makes about Tiberius' disinclination to provide him with material by undertaking the sorts of war that a historian would like to describe (Tac. *Ann.* 4.32) must be treated with caution, not least because Tacitus deliberately chose to dwell on the political intrigues of the imperial court and the senatorial aristocracy in Rome.²⁴ Military achievements could be of great importance to others besides the emperor. They had the potential to elevate members of the senatorial aristocracy to a position from which they might challenge the *princeps* himself. This problem was manifested early in Tiberius' reign, when his nephew and adopted son Germanicus was eager to press on with his wars against the northern Germanic tribes in AD 16. The way that Tacitus reports the arguments used by Tiberius to justify bringing Germanicus' campaign to an end suggests that the emperor favoured diplomacy over the use of force:

Tiberius himself had been sent against the Germans nine times by Augustus and had achieved more through discussion than by force. Thus had the Sugambri been persuaded to surrender, and the Suebi and king Maroboduus bound to keep the peace. (*Se novies a divo Augusto in Germaniam missum plura consilio quam vi perfecisse: sic Sugambros in deditionem acceptos, sic Suebos regemque Maroboduum pace obstrictum.*) (Tac. *Ann.* 2.26)

Tiberius goes on to say that the Cherusci and other rebellious peoples can be left to fight amongst themselves now that Roman vengeance has been satisfied, and that Germanicus should leave some opportunity for his adoptive brother Drusus to gain the title of *imperator* and the right to wear a triumphal laurel crown (which together were the imperial family's badges of military prestige).

There are several ways in which these arguments could be interpreted. On the one hand they offer some support for the characterisation of Tiberius as a cautious, unambitious leader whose personal inclinations were towards consolidation rather than expansion, as outlined in the reports of Augustus' post-mortem advice to Tiberius (Tac. *Ann.* 1.11; Dio 56.33.5–6).²⁵ Tacitus, however, gives us a strong indication of his

²⁴ As argued by Cornell, *ibid.*, 152: 'Tacitus tends to understate the importance of military operations in the provinces.'

²⁵ See above on Tac. *Ann.* 4.32. For further discussion see B. Levick, *Tiberius the Politician*, 2nd edn (London, 1999), 142–7.

own antagonism towards the idea that imperial expansion was not a desirable objective. He comments on the written instruction that Augustus gave to Tiberius advising him to confine the empire to its existing limits that it was done 'either out of fear for the future or out of jealousy' (*incertum metu, an per invidiam*. Tac. *Ann.* 1.11).²⁶ There may also be an element here of recognition on the part of Tiberius that, whether through lack of resources or political will, he could not realistically hope to emulate the achievements of Augustus. If so, then it is clear that for Tacitus any such attitude was tainted by Tiberius' jealous fear of Germanicus, whose military victories and family background threatened to garner him sufficient prestige and power to challenge his adopted father.²⁷ Cornell is surely also correct in his comment on how imperial policies might change as a result of the replacement of one emperor with another, whose view of what was appropriate might be in part a reaction to the policies of the previous ruler:

There is undoubtedly much truth in the view that the concentration of political power in the hands of one man contributed to the long peace that characterized the early Empire, and it is likely that strong-minded, experienced and thoughtful men such as Tiberius and Hadrian deliberately rejected the bellicose policies of their predecessors.²⁸

Whatever their personal inclinations, all emperors needed to be wary of the military ambitions of all potential rivals. The senatorial aristocracy continued to produce men whose desire to imitate their ancestors and fulfil the expectations of the militaristic culture encouraged them to seek glory when given the command of substantial legionary forces as legates of the *princeps*. Tacitus provides ample evidence of the persistence of the Roman aristocracy's cultural predilection for war, both in his criticisms of the passive attitudes that emerged after the reign of Augustus, and his favourable treatment of those individuals who endeavoured to live up to the martial traditions of their ancestors. One example that Tacitus dwells on concerns the emperor Claudius restraining Gnaeus Domitius Corbulo when he crossed the Rhine in AD 47 to prosecute war against the Chauci, a Germanic tribe whose forces had raided the province of Lower Germany (Tac. *Ann.* 11.18–20). Tacitus uses this episode to present the anxieties with which such forays beset both the emperor and the senatorial aristocracy:

Why incite the enemy? A defeat would be disastrous for the state, but if he should conduct a successful campaign, the prestige of such an awesome man

²⁶ Cornell, 'The End of Roman Imperial Expansion', 149 dismisses the suggestion of some scholars that this dubious anecdote had a significant influence on the policies of subsequent emperors.

²⁷ Levick, *Tiberius*, 50–1, 148–57.

²⁸ Cornell, 'The End of Roman Imperial Expansion', 149–50.

would pose a dire threat to peace and to the idle *princeps*. (*Cur hostem conciret? Adversa in rem publicam casura: sin prospere egisset, formidolosum paci virum insignem, et ignavo principi praegravem.*) Therefore Claudius forbade further armed incursions into Germany, going so far as to order the garrisons established across the Rhine to be withdrawn. These orders were brought to Corbulo when he was already constructing a camp in enemy territory. He was taken by surprise, but, although his mind was flooded with conflicting thoughts – fear of the emperor, the scorn of the barbarians, the mockery of the allies – said nothing other than: ‘In the old days Roman commanders were more fortunate!’ Then he gave the order to retreat. (Tac. *Ann.* 11.19–20)

Although Tacitus dismisses Claudius as an idle emperor (*ignavus princeps*), he had already undertaken a campaign of imperial conquest against the Britons. The invasion was ostensibly justified by the invitation of a Roman ally (Dio 60.19.1), although this excuse would not have been taken seriously by the aristocracy, who knew very well that Claudius needed some kind of personal military success to bolster his position (Suet. *Claud.* 17). Corbulo’s remark neatly sums up the frustration felt by some members of the senatorial aristocracy who thought that they were entitled to obtain military glory, but who were expected to keep in the shadows so that they might not diminish the prestige of the *princeps* and his chosen successor.²⁹ Claudius’ successor Nero, by contrast, never took command of an army in person and became increasingly suspicious and fearful of Corbulo, his most successful general, whom he eventually forced to commit suicide (Dio 63.17).³⁰

When we consider Tacitus’ presentation of the campaigns conducted in Nero’s reign against the Parthians in AD 61–3 for control of Armenia (Tac. *Ann.* 15.1–31), it is clear that his view is that a lengthy period of peace with a major enemy is dishonourable (*inhonestus*) if it has been initiated while the enemy holds the upper hand. Throughout this section of his narrative Tacitus is emphatic that peace is only honourable and acceptable to Rome if it is achieved as a direct result of Roman military prowess. While he is blockaded in his camp and awaiting rescue by the army of Domitius Corbulo, the belligerent but incompetent Roman general in Armenia, Caesennius Paetus, initially refuses to request a truce, but instead sends a letter to the Parthian King Vologeses saying:

That peace would be mutually beneficial; he [Vologeses] should have an eye not just on the present moment. He had come to confront two legions with all the forces in his kingdom, but for the Romans there remained the whole of the world

²⁹ *Ibid.*, 163: ‘The anecdote is symbolic and revealing. Emperors had a strong interest in maintaining peace except when it suited them to make war themselves for personal or dynastic reasons.’

³⁰ On the political circumstances see M. Griffin, *Nero: The End of a Dynasty* (London, 1984), 177–9.

which would aid them in war. (*pacem ex aequo utilem; ne praesentia tantum spectaret. Ipsum adversus duas legions totis regni viris advenisse: at Romnais orbem terrarium reliquum quo bellum iuvarent.*) (Tac. *Ann.* 15.13)

Paetus apparently lacked the fortitude to back up all of this bluster, however, and negotiated a truce, under the terms of which all Roman forces were withdrawn from Armenia, much to the disgust of the distinguished senatorial general Domitius Corbulo, who claimed in his own memoirs that he could have retrieved the situation easily had Paetus shown more courage and awaited his imminent arrival (Tac. *Ann.* 15.16). Tacitus interrupts his account of the conflict at this point to describe some minor events and developments back in Rome, but the situation is clearly an intolerable one for him and his elite Roman readers, who would have been eager to discover how the proper order of things would be restored. When Tacitus resumes the narrative of foreign affairs King Vologeses has sent an embassy to Rome, inviting the Emperor Nero to accept that Armenia is now under Parthian control and to recognise Vologeses' brother Tiridates as its ruler (Tac. *Ann.* 15.24). Nero consults his advisors on whether or not he should go to war with Vologeses over this matter, a question to which, according to Tacitus, Rome's leading citizens could have only one answer:

Nero consulted with the state's most prominent men whether he should prefer a dangerous war or a dishonourable peace. There was no hesitation in opting for war. (*consulit inter primores civitatis Nero, bellum anceps an pax inhonesta placeret. Nec dubitatum de bello.*) (Tac. *Ann.* 15.25)

Domitius Corbulo was duly given the authority and military resources to bring about a more honourable peace, persuading Tiridates to accept his diadem of kingship from Nero's own hands. The coronation ceremony that was eventually held in Rome in AD 66 was obviously intended to portray the Parthian Tiridates to the Roman populace as Nero's humble vassal, and Nero as the conqueror of Armenia (Tac. *Ann.* 15.26–31; 16.23), but Tacitus gives most of the credit to the determined, ambitious general Corbulo, whom he subtly compares to the Republican conqueror of the East, Pompey the Great. The comparison is implied by the statement that the regional magnates and provincial governors were told to take orders from Corbulo, and that 'his power was augmented almost to the same level as that given by the Roman people to Gnaeus Pompeius for the pirate war' (*in tantum ferme modum aucta potestate, quem populus Romanus Cn. Pompeio bellum piraticum gestare dederat*). (Tac. *Ann.* 15.25)³¹ Tacitus undoubtedly

³¹ On Pompey's pirate war see de Souza, *Piracy in the Graeco-Roman World*, ch. 5.

used Corbulo's memoirs as a major source for his Armenian narrative. It is likely that the comparison with Pompey was made by Corbulo himself, and that it was far more extensive and self-laudatory in the original version. This is not to say that Corbulo did not understand that there were limits to what was acceptable senatorial military ambition under the Principate. Nevertheless, as is revealed by the remark quoted above that Tacitus says he made when ordered by Claudius to refrain from campaigning across the Rhine (Tac. *Ann.* 11.20), he and his fellow senatorial commanders found the long tradition of Roman aristocratic military achievement a source of both inspiration and frustration.³²

The frustrated outlook of the more bellicose elements of the senatorial aristocracy on the imperial peace is further exemplified by Tacitus' biased and malicious comments on the shortcomings of the Flavian emperors in the opening of his first great narrative work, the *Histories*. After claiming impartiality in his approach to the period from Nero's death to the accession of Nerva, he summarises the numerous foreign wars thus:

There were successes in the East but failures in the West. Illyricum was thrown into disorder, the Gallic provinces wavered in their allegiance, Britain was thoroughly conquered and then immediately neglected. The Sarmatian and Suebian peoples rose up against us, the Dacian achieved notoriety through military disasters; even the Parthians were almost goaded into war by the shenanigans of a false Nero. (Tac. *Hist.* 1.2)

The mention of Britain inevitably brings up the case of Gaius Julius Agricola, governor of Britain from AD 77 to AD 84, whose eulogistic biography was one of Tacitus' earliest works. Tacitus married Agricola's daughter shortly before her father began his seven-year stint as governor of Britain. He was understandably keen to show Agricola in the best possible light, making his adventurous campaigns in the north of Britain into a story of traditional Roman military power and heroism. They are contrasted, either explicitly or implicitly, with other, less spectacular campaigns that were undertaken by the emperor Domitian's generals around the same time.³³ He suggests that the recall of Agricola in AD 84, which was in all probability done for sound military reasons, was the result of Domitian's fear that Agricola's successes were making the emperor and all his other generals look hopelessly inadequate:

He was well aware that his recent sham triumph over Germany had aroused ridicule – slaves had been purchased in the market, who could, with suitable

³² For further discussion of Paetus, Corbulo and other senatorial generals under the Principate see Campbell, *The Emperor and the Roman Army*, 317–62.

³³ On Domitian's military activities see B. W. Jones, *The Emperor Domitian* (London, 1992), chs. 6 and 7.

clothing and their hair treated, be made to look like prisoners of war. But now he saw a genuine victory, with so many thousand enemy dead, winning unrestrained praise from the public. What he dreaded most of all was for the name of a subject to be exalted above that of an emperor. In vain had public eloquence and distinction in civilian professions been brought to silence if someone other than himself were to snatch military glory. Other talents could be more easily ignored; good generalship belonged to the emperor. (Tac. *Agr.* 39)³⁴

After describing Agricola's retirement in glowing terms, Tacitus goes on to complain about the inadequacy of Domitian's generals:

So many armies had been lost, in Moesia and Dacia, in Germany and Pannonia, by the folly or cowardice of their generals, so many military men, with so many cohorts, had been defeated in battle and taken prisoner. It was no longer the frontier of the empire and the river-bank that were in question, but the permanent fortresses of the legions and Roman territory. (Tac. *Agr.* 41)³⁵

It is clear that Tacitus' purpose is to reinforce his claim that his father-in-law was much more suited to a military command than any of those whom Domitian did appoint in the latter years of his troubled reign. Yet Tacitus himself has just acknowledged in a previous chapter that too much military prestige accruing to a successful general was anathema to emperors, especially those whose military reputation was in need of bolstering. These passages show how for historiographical reasons even a relatively objective writer like Tacitus could distort the military record of an emperor if he was not popular amongst the senatorial class. The sequence of a successful war, the conclusion of a peace that was favourable to Rome, and a tactical withdrawal to a secure frontier was presented in the case of Agricola as an admirable traditional Roman military achievement, albeit cut short because of the emperor's fear and envy. A similar series of events could be portrayed by Tacitus as a sign of military weakness and failure, when it involved Domitian, whose own campaign in AD 82–3 against the Chatti, one of the more developed and organised German tribes on the middle Rhine, was highly effective. Yet that is not what the reader would surmise from Tacitus' dismissive comments. In AD 85–9 Domitian mounted several more successful campaigns, balancing the need for strong action against the Marcomanni and Quadi in Pannonia with the realisation that his limited military resources could not simultaneously stretch to a major confrontation with the Dacians. Consequently peace was made with Decebalus, the Dacian king, and the situation in this vulnerable frontier zone was stabilised.³⁶

³⁴ Translated by A. R. Birley, *Tacitus: Agricola and Germany* (Oxford, 1999), 28.

³⁵ Birley, *Agricola*, 30.

³⁶ See Jones, *Domitian*, 126–31, 135–9, 141–3.

Tacitus, however, focuses his praise of the traditional Roman achievement of honourable peace through successful war on a single, exceptional figure, Agricola, while dismissing all of his contemporaries and the ruling emperor as inadequate to this task. Even Tacitus' famous speech on the relentlessness of Roman imperialism, attributed to the British leader Calgacus before the battle of Mons Graupius in AD 83, which is usually quoted as a criticism of Roman lust for power and an expression of the nobility of resistance to that power, also serves to encapsulate Tacitus' own sense of the overriding imperative for Roman commanders to establish peace by conquest:

They ransack the world, and afterwards, when all the land has been laid waste by their pillaging, they scour the sea. If the enemy is rich, their greed drives them, or if he is poor, their desire for glory. Neither the East nor the West can satisfy them. They are the only ones who strive for both wealth and poverty with equal zeal. They plunder, they murder, they rape, in the name of their so-called 'empire'. And where they have made a desert, they call it 'peace'. (*raptores orbis, postquam cuncta vastantibus defuere terrae, mare scrutantur: si locuples hostis est, avari, si pauper, ambitiosi, quos non Oriens, non Occidens satiaverit: soli omnium opes atque inopiam pari adfectu concupiscunt. Auferre, trucidare rapere falsis nominibus imperium, atque ubi solitudinem faciunt, pacem appellant.*) (Tac. Agr. 30)

As Greg Woolf has pointed out, this eloquent inversion of the Augustan moral value of Rome's civilising mission indicates its prominence in contemporary ideology and highlights the relativity of peace as a concept. Its significance is entirely dependent on how and by whom it is articulated.³⁷ In this context it is worth considering the implications of Tacitus' personal career. Anthony Birley has argued persuasively that Tacitus was a military tribune under Agricola in Britain in late 70s AD.³⁸ It may well be that his direct experience of military adventure encouraged his preference for aggressive wars. If so, he would certainly not have been the only member of the Roman aristocracy to have harboured such a belligerent temperament. Tacitus, who was writing for a readership that was primarily made up of men from his own social class, is especially scornful of those who tried to dissuade his father-in-law Agricola from campaigning beyond the Forth River, describing them as 'cowards feigning prudence' (*ignavi specie prudentium*. Tac. Agr. 25; cf. 27). The statement with which Tacitus ends his account of Agricola's tenure of the proconsulship in Britain is a highly revealing one: 'Agricola handed over to his successor a province peaceful and secure' (*Tradiderat*

³⁷ Woolf, 'Roman Peace', 178–81.

³⁸ Birley, *Agricola*, ix.

iterim Agricola successori suo provinciam quietam tutamque. Tac. *Agr.* 39). Agricola had achieved the sorts of victory that Augustus managed – honourable ones that resulted in the establishment of peace on terms favourable to the Romans. To men who shared Tacitus' outlook this was what war and peace were all about.

We have seen how Tacitus highlights the difference between the situation under the Principate, and the ambitious members of the senatorial aristocracy held back by the emperor's authority, and the relative freedom to engage in aggressive warfare that was enjoyed by their Republican forebears. Greg Woolf has argued that the difference between Republican and Imperial elite Roman attitudes to war and peace indicates a shift from an unquestioned consensus to a plurality of views. The aristocracy were often at odds with the idealised conception of the Augustan period that Roman expansion would end only when world conquest had been achieved. In Woolf's view: 'The conflict does not represent schizophrenic leadership, so much as a growing awareness among the Roman elite that the world might be bigger and more difficult to conquer than they had thought.'³⁹ Peace (*pax*) or order (*otium*), in the sense of freedom from internal strife, which were often identified with the deity *Concordia*, whose temple stood at one end of the Roman Forum, were every bit as important to the rulers of the empire as the sense of security from external threats. Hence the ancient sources reflect the tendency of the imperial authorities to play down the frequency, scale and impact of rebellions and revolts against Roman rule in general and the authority of particular emperors.⁴⁰

The continual challenge for the emperors and the aristocracy was to achieve some sort of compromise between the need to maintain the authority and prestige of the *princeps*, and the desire for similar personal honour and prestige among certain members of the Roman senatorial aristocracy. One way that this might be done is exemplified by an inscription recording the achievements of Tiberius Plautius Silvanus Aelianus, a senator who was governor of the Danubian province of Moesia as a propraetorian legate of the emperor in the reign of Nero and went on to achieve the consulship under Vespasian in AD 74:

Kings previously unknown or hostile to the Roman people he brought across to the bank [of the Danube] that he was guarding so that they could pay homage to the Roman standards; to the kings of the Bastarnae and the Roxolani he returned their sons, to those of the Dacians their brothers, having captured or seized them from the enemy; he received hostages from some of them; through these deeds

³⁹ Woolf, 'Roman Peace', 184.

⁴⁰ *Ibid.*, 185–9.

the peace of the provinces was both strengthened and extended. (*ignotos ante aut infensos populi Romani reges signa Romana adoraturos in ripam, quam tuebatur perduxit; regibus Bastanarum et Rhoxolanorum filios, Dacorum fratrum captos aut hostibus ereptos remisit; ab aliquis eorum opsides accepit; per quem pacem provinciae et confirmavit at protulit.*) (ILS 986)

This was a reasonable level of military achievement. The aristocrat with the inclinations and abilities to be one of the so-called 'military men' (*virī militares*) gained his own, limited glory, but did so within the bounds of an imperial peace and without threatening the power and prestige of the emperor.⁴¹

When the compromise was not respected, however, there was a strong risk of civil war. The extreme precariousness of the aristocracy in times of civil strife is summed up by Tacitus in the opening line of the fourth book of his *Histories*: 'With the death of Vitellius it was more the case that war had ended than that peace had begun' (*interfecto Vitellio bellum magis desierat quam pax coeperat*. Tac. *Hist.* 4.1). He goes on to describe how the victors pursued their enemies throughout the city of Rome. Tacitus uses the rhetorical language that is typical of ancient accounts of the sacking of cities, referring to streets full of corpses, blood-soaked temples and *fora*, refugees dragged out of hiding and the slaughter of both soldiers and civilians. It is clear, however, that he is not describing a general, indiscriminate massacre, but rather the selective flushing out of the prominent Vitellians by the Flavians and their supporters. He ends this vivid passage with a bleak statement of the evils of civil war:

The leaders of that party [the Flavians], who had been so eager to provoke civil war, proved unequal to the task of behaving moderately in victory, indeed in such times of uproar and discord it is the worst men who have the most power, while times of peace and tranquillity require the best to show their mettle. (*duces partium accendendo civili bello acres, temperandae victoriae impares, quippe inter turbas et discordias pessimo cuique plurima vis, pax et quies bonis artibus indigent.*) (Tac. *Hist.* 4.1)

From this passage one may doubt whether Tacitus lived up to his claim that he was an incorruptible and trustworthy historian whose account would display neither favouritism nor hatred towards anyone (Tac. *Hist.* 1.1). Nevertheless it is clear that the new emperor Vespasian and his supporters needed to make great efforts to reassure the Roman Senate and people that the old order was being restored, and that times of peace and tranquillity were not lost for ever. It is no surprise that some

⁴¹ On the scope and significance of this term see J. B. Campbell, 'Who Were the "virī militares"?', *Journal of Roman Studies* 65 (1975), 11–31.

of the early Flavian coinage issues displayed the legends and symbols of Concord (*Concordia*), despite the fact that previous emperors had also tried to calm the waters of political discord with such a message. They also issued coins with the legend Eternity (*Aeternitas*), which appealed to the idea that the emperor's authority was a guarantor of the eternal life of Rome and her empire, a political ideology born of elite aspirations that Velleius Paterculus had articulated forty years earlier in his eulogy of Augustus' adopted successor Tiberius:

The celebrations on that day [the day of Tiberius' official adoption in AD 4], the coming together of the citizens, their vows made with outstretched hands reaching almost to the heavens, the hope they conceived for the unending security and eternal existence of the Roman empire, I will scarcely be able to describe in a full-scale account, let alone try to explain here. What I am prepared to say is that it was the most auspicious day of all. For it was then that parents felt that hope was rekindled for the surety of their children's futures, husbands for their marriages, owners for their property and all men for safety, order, peace and tranquillity. (*Laetitia illius diei concursusque civitatis et vota paene inserentium caelo manus spemque conceptam perpetuae securitatis aeternitatisque Romani imperii vix in illo iusto opera abunde persequi poterimus, nedum hic implere temptemus, contenti id unum dixisse quam ille omnibus faustus fuerit. Tum refulsit certa spes liberorum parentibus, viris matrimoniorum, dominis patrimonii, omnibus hominibus salutis, quietis, pacis, tranquillitas.*) (Vell. Pat. 2.103)

The most telling manifestation of the Flavians' desire to be seen as peacemaking emperors in the tradition of Augustus is their promotion of the ideology of Peace. *Pax*, often associated with Victory (*Victoria*) that enabled the emperor to deliver it, was a prominent theme on Vespasian's coinage at an early stage. Issues of AD 71 proclaim the idea that *Victoria* has enabled the coming of peace (*Pacis eventus*), not just for Rome, but for the whole world (*Orbis terrarum*). Coins issued later in Vespasian's reign could invoke these concepts with just the words *Pax*, or *Pax Augusti* (the Augustan Peace), while his son and successor Titus was presented to the Roman world as the 'Preserver of the Augustan Peace' (*Conservator Pacis Augusti*).⁴² An innovative image on coins issued in AD 86 by Titus' brother and successor Domitian featured *Pax* burning weapons of war.⁴³ *Pax* was the deity to whom Vespasian dedicated the temple which was the focus of his new forum, situated alongside the great forum of Augustus, with its temple dedicated to Mars, the god of war. The contemporary writer Pliny the Elder claimed that the Temple of Peace was 'the most beautiful building that the world

⁴² On Vespasian's coinage see B. Levick, *Vespasian* (London, 1999), 65–6, 70 and 226–9.

⁴³ Weinstock, 'Pax and the "Ara Pacis"', 52.

had ever seen' (Pliny *NH* 36.102). It was Pliny who coined a phrase that modern historians have employed to encapsulate the benefits that the peacemaking emperors provided for their subjects, describing 'the immeasurable majesty of the Roman peace' (*immensa Romanae pacis maiestate*) as a gift of the gods (*deorum munus*; Pliny *NH* 27.3).⁴⁴

It was perhaps inevitable that 'the blandishments of peace' that Tacitus referred to so disparagingly at the start of his *Annals* became increasingly attractive to many of the senatorial aristocracy. They accepted the limits that the emperors imposed on the traditional militaristic ambitions of the aristocracy in return for the stability, prosperity, status and honours that the imperial peace provided them with. A good representative of these peace-loving aristocrats is the Younger Pliny, Gaius Plinius Caecilius Secundus (c. AD 61–c. AD 112), the son of a wealthy landowner from Northern Italy whose adoption by his uncle the Elder Pliny enabled him to embark on a senatorial career that spanned the reigns of Domitian, Nerva and Trajan. Apart from serving as a legionary officer in Syria around AD 81, Pliny held no military posts, but he achieved the highest rank and died whilst serving as a proconsular governor in the province of Bithynia-Pontus. Pliny is best known for his *Letters*, but it is his lengthy panegyric of the emperor Trajan, delivered in the Senate in AD 100 and giving thanks for Pliny's consulship, that offers us one of the clearest statements of what many members of the senatorial aristocracy expected from their emperor in terms of war and peace.

Early in the speech Pliny speaks of Trajan in terms that emphasise his imperial power, describing him as 'the one who by his words and gestures determines peace or war on land and sea' (*cuius dicione nutuque maria terrae pax bella regeantur*. Plin. *Pan.* 4.4). He sets up an antithesis between the ordinary senator and the extraordinary *princeps*. Concluding his eulogy of Trajan's third consulship he says:

Another man, even if he did not give himself up to idleness and self-indulgence, would at least have sought to recover from continuous service in peaceful retirement; but he freed himself from the cares of a consul to resume those of a *princeps*. (*Alius se a continuo labore, etsi non desidia ac voluptati dedisset, otio tamen et quiete recreasset; hic consularibus curis exsolutus principales resumpsit.*) (Plin. *Pan.* 79)

A major theme of the speech is that Trajan is the ideal emperor, who guarantees order, peace and harmony through his dynamic military

⁴⁴ On the Temple of Peace see R. H. Darwall-Smith, *Emperors and Architecture: A Study of Flavian Rome*, Collection Latomus 231 (Brussels, 1996). For a modern scholar using Pliny's phrase see C. Wells, *The Roman Empire*, 2nd edn (London, 1992), ch. 8.

campaigns and his firm yet fair approach to civil administration. Towards the end of his lengthy eulogy of the emperor Pliny subtly sketches the life of peace and prosperity that he and many of his fellow senators yearn for and that they expect the *princeps* to provide for them:

And to you above all I pray, Capitoline Jupiter, that you may maintain your favours and continually increase your bounty with ever greater gifts. You heard while we were praying under a bad *princeps*, listen as we make our wishes known for one who is his complete opposite. We do not distract you with vows; for we do not pray for peace, nor harmony, nor freedom from care, nor wealth, nor honours: our simple, all encompassing vow is one with yours, the well-being of our *princeps*. (*ac te praecipue, Capitoline Juppiter, precor, ut beneficiis tuis faveas, tantisque muneribus addas perpetuitatem. Audisti quae malo principi praecabamur: exaudi quae pro dissimillimo optamus. non te dstringimus votis; non enim pacem, non concordiam, non securitatem, non opes oramus, non honores: simplex cunctaque ista complexum omnium votum est, salus principis.*) (Plin. Pan. 94)

While much of this is conventional praise of the absolute ruler and acknowledgement of his power, there is also a strong sense that Pliny is pleading with Trajan to keep up the good work. It is similar in meaning and purpose to the song of praise that the Alexandrian merchants offered to Augustus for his establishment of a widespread security, peace and prosperity (Suet. Aug. 98). The familiar terms *securitas*, *pax*, *otium*, *honor*, *concordia*, and *quies* are the key words in Pliny's indirect prayers to Trajan. This was the manner in which the beneficiaries of the imperial peace both thanked the emperors for providing it and exhorted them to continue their efforts. The senatorial, equestrian and curatorial classes who made up the local elites in Italy and the provinces also shared in this consensus and displayed a similar symbolic language on their local coins and monuments that reflected the main themes of imperial ideology.⁴⁵

It seems that the ideological opposition to the established consensus among some members of Rome's senatorial aristocracy that Tacitus' acerbic comments reveal was not shared by their counterparts in the provinces of the Roman Empire. The provincial elites' acceptance of the bountiful peace that the *princeps* furnished for them can perhaps be best summed up by a quotation from the Stoic philosopher Epictetus, who taught in Rome until he was expelled, along with many other philosophers, by the emperor Domitian in AD 89. While he was by no means

⁴⁵ See Ando, *Imperial Ideology and Provincial Loyalty*, chs. 2–8; J. E. Lendon, *Empire of Honours: The Art of Government in the Roman World* (Oxford, 1997). For further discussion of the problems inherent in assessing the views of the senatorial class and the extent to which imperial policy was disseminated for and influenced by them, see Campbell, *War and Society in Imperial Rome*, 130–5.

an enthusiast for imperial power, Epictetus was nevertheless prepared to concede that it had its merits:

For see how Caesar seems to provide us with a great peace, so that there are no longer any wars, or battles, nor is there much banditry or piracy, but it is possible to travel at all times, from sunrise to sunset. (*Discourses* 3.13.9)⁴⁶

We have a good example of the widely shared acceptance of the dominant ideology in a lengthy panegyric of Roman imperial rule written by the second century AD sophist Publius Aelius Aristides, from Mysia in western Asia Minor. Aristides was born right at the start of the emperor Hadrian's reign and might have enjoyed a successful career in public office, but for his persistent ill health. Instead he took to composing and delivering high-class literary declamations, a pastime at which he excelled. Among his many public orations is the celebrated speech *On Rome*, delivered in the great city itself, most probably in AD 143.⁴⁷ The highly idealised nature of the speech is concisely indicated by the following brief extract:

(66) Thus the present regime naturally suits both rich and poor. No other way of life is left. There has developed in your constitution a single harmonious, all-embracing union; and what formerly seemed impossible has come to pass in your time: < maintenance > of control over an empire, over a vast one at that, and at the same time firmness of rule without unkindness.⁴⁸

In his seminal study of this speech Oliver argued that Aristides, in contrast to Tacitus, was not concerned that the Principate was an insuperable barrier to senatorial freedom of action. He understood that the Principate was monarchical, but conceptualised it as a benign tyranny, almost a democratic institution according to Hellenistic constitutional theory.⁴⁹ The difference in their perspectives is partly political, between a senator of traditional Italian stock who hankers after the military prestige and power that used to belong to his class by right and a provincial who happily acknowledges the widespread patronage of the emperor among the provincial aristocracies. It is also cultural, between a senatorial Roman historian who conceptualises the transition from Republic to Principate in terms of moral and military decline and a Hellenic orator for whom the

⁴⁶ See further H. Sidebottom, 'Philosophers' Attitudes to Warfare under the Principate', in J. Rich and G. Shipley (eds.), *War and Society in the Roman World* (London, 1993), 241–64.

⁴⁷ J. H. Oliver, *The Ruling Power: A Study of the Roman Empire through the Roman Oration of Aelius Aristides*. *Transactions of the American Philosophical Society*, new series 43, part 4 (Philadelphia, 1953), 871–1003. See 886–94 for observations on the speech's date and its strengths and weaknesses as evidence.

⁴⁸ Oliver, *The Ruling Power*, 901.

⁴⁹ *Ibid.*, 886–94.

Principate affords a far better state of affairs than the Republic ever could, and who salutes, albeit in an idealised fashion, the emperor as the embodiment of true peace and good government. While the bellicose Tacitus bemoans the lack of heroic wars to narrate, the pacific Aristides lauds the peaceful state of the Roman Empire in almost ludicrously idyllic terms:

(70) Wars, even if they once occurred, no longer seem to have been real; on the contrary, stories about them are interpreted more as myths by the many who hear them. If anywhere an actual clash occurs along the border, as is only natural in the immensity of a great empire, because of the madness of Getae, or the misfortune of Libyans or the wickedness of those around the Red Sea, who are unable to enjoy the blessings they have, then simply like myths they themselves quickly pass and the stories about them. (71a) So great is your peace, though war was traditional among you.⁵⁰

There are other strong indications that by the end of the second century AD, the prevailing view on imperial conquests was that they could not be justified unless they brought material rewards. Appian, a native of Alexandria who wrote a *History of Rome* in the mid second century AD, dismisses the whole idea of the extension of Roman power over the barbarians as a waste of effort, because the Romans already control the best parts and the emperors have no use even for those peoples who are prepared to offer themselves as subjects (App. *Pref.* 7). Here he is echoing the sentiments of the first century AD writer Strabo, who ends his *Geography* by dividing the world into the civilised, taxable portions, which are under Roman control, and the uncivilised, lawless, unprofitable portions, which are not worthy of their rule (Str. 17.3.24–5). To some extent this anti-imperialist ideology was a provincial, rather than an Italian phenomenon, but as time went by the senatorial aristocracy became more provincialised and even the consuls were men whose families had no long tradition of residence and property ownership in Rome or Italy.⁵¹

An important representative of the new senatorial ideology is the Bithynian Lucius Cassius Dio, who was born in Nicaea around AD 164. His father was a suffect consul in AD 184 and Cassius Dio achieved several provincial governorships and two consulships, the second in AD 229, the year which he chose as the terminal date for his lengthy *Roman History*.⁵² There are obvious similarities between Dio and Tacitus. Both were

⁵⁰ *Ibid.*, 902.

⁵¹ On these trends see David S. Potter, *The Roman Empire at Bay AD 180–395* (London, 2004), 68–76.

⁵² For detailed discussion of Cassius Dio and his *History* see F. Millar, *A Study of Cassius Dio* (Oxford, 1964). For events after AD 46 the full text of Dio's *History* is lost and we are dependent on epitomes and excerpts, which are less reliable for the later books. Interpretations based on close reading of words and phrases are therefore hazardous.

senators who wrote annalistic histories of Rome, and both of them were keen to express their dissatisfaction with the policies and actions of those emperors whom they felt had failed to behave appropriately. The two historians are especially critical in their narratives of contemporary rulers, the Flavians in Tacitus' case and the Severans in Dio's. These clear biases require us to treat both writers as hostile witnesses, but there is no reason to doubt that they represented viewpoints shared by many of their peers.⁵³

In stark contrast to Tacitus' warmongering outlook, however, Cassius Dio seems to find fault with almost every military action that Septimius Severus (AD 193–211) and his family undertook.⁵⁴ In his appraisal of Septimius Severus' campaigns in northern Britain Dio deliberately presents the Maeatae and the Caledonians as crude barbarians whose way of life is so basic and whose land is so inhospitable that they are simply not worth the effort required to conquer them. Dio dwells on the cost in terms of men and he offers no justification for the campaign beyond the tendentious claim that Septimius Severus felt his sons and soldiers needed to be prevented from becoming too lazy through inactivity (Dio 77.11–13). He is even less sympathetic towards the military ambitions of Severus' son Caracalla (AD 211–17), alleging trivial motives for his wars against the Alemanni and the Parthians. He seems to have revelled in presenting the emperor as a dishonourable coward who achieved no substantial victories, relied upon deceit and treachery, fled at the first sign of enemy forces and corrupted his own soldiers (Dio 78.9–10 and 19–21; 79.1–3). There was obviously considerable personal hostility behind Dio's remarks, but his characterisation of the Severan military exploits as wasteful and pointless seems to reflect a wider school of thought that had become influential in the second and early third centuries AD.⁵⁵ Another indication of senatorial hostility to Severus is the support that was offered to Septimius Severus' erstwhile rival in AD 193, Gaius Pescennius Niger (Dio 75.6–8). According to the fourth century AD biography known as the *Historia Augusta*:

All are agreed that if he had gained power he would have put right all those things which Severus either could not or would not reform – and of course

⁵³ As John Rich concisely puts it: 'Dio's treatment of individual emperors' reigns reflects the values and interests of the senator; his overriding concern is with the respects in which emperors measured up to or fell short of senators' expectations.' J. W. Rich, 'Cassius Dio', in S. Hornblower and A. Spawforth (eds.), *The Oxford Classical Dictionary*, 3rd edn (Oxford, 1996), 300.

⁵⁴ For an excellent narrative and analysis see Potter, *Roman Empire at Bay*, 96–146.

⁵⁵ Millar, *Cassius Dio*, 66–7, 82, 141–3; Campbell, *The Emperor and the Roman Army*, 397.

without cruelty, even with mercifulness, but that of a soldier, not lax or inappropriate, or ridiculous. (*SHA* P. Niger 1 and 12)

Although this late source is notoriously biased and unreliable, it nevertheless offers some evidence that, for someone like Niger, who was competing for the position of emperor, there was a strong incentive to identify with the shared values of the senatorial aristocracy.⁵⁶

After a prolonged series of civil wars and external military setbacks in the mid third century AD a new, more autocratic style of imperial government emerged which modern historians have called the Dominate. The emperors from Diocletian (AD 284–305) onwards deliberately distanced themselves from the senatorial aristocracy, emphasising their military authority and their divine patronage. Initially this was in the form of adherence to traditional pagan gods like Jupiter and Hercules, but later, under Constantine and his successors, the imperial sponsor was the one god of the Christians. While accommodating these major changes in imperial ideology, the aristocracy continued to proclaim their own preference for emperors who made sure to protect the peace and order that their forebears had attained under earlier rulers. In a panegyric speech delivered in AD 313 praising the recent victories of Constantine the Great against the rival emperor Maxentius, the speaker reprises the Augustan concept of peace through victorious war, and echoes Pliny the Younger's entreaties to Trajan for peace and security:

You must share some secret with that divine mind, Constantine, which has delegated care of us to lesser gods, and deigns to reveal itself to you alone. Otherwise, mightiest of Emperors, even though you have won, you owe us an explanation. You did leave the Rhine secure with armies stationed along the whole border, but for this reason we were prone to greater fears on your behalf because you took counsel for our interests rather than for your own, and reinforced our peace rather than the war which you were undertaking. Truly, Emperor, when, in your excessive love for us, you neglected to take all your forces with you, you did not know how to make a real provision for our security, since your preservation is our salvation. What need had the Rhine of having troops and fleets drawn up, since the terror of your might had long since walled it off against the terror of barbarian nations? Or did you wish to display your carefulness by dividing your forces between guarding for peace and girding for war? Or even boastfully and ostentatiously to prove that you and a few men were enough to liberate the city (of Rome)? With scarcely the fourth part of your army you traversed the Alps against 100,000 enemies in arms, so that it was plain to those who pondered the matter deeply (but escaped us who were anxious in our love for you) that you sought no doubtful victory but one divinely promised.

⁵⁶ On Pescennius Niger see Potter, *Roman Empire at Bay*, 99–104.

(*Habes profecto aliquod cum illa mente divina, Constantine, secretum, quae delegata nostri diis minoribus cura uni se tibi dignatur ostendere. Alioquin, fortissime imperator, sic quoque cum viceris redde rationem. Rhenum tu quidem toto limite dispositis exercitibus tutum reliqueras, sed hoc maiores pro te suscepimus metus quod nobis potius quam tibi consulebas, nostramque pacem magis quam bellum quod aggrediebare firmaveras. Ne tu, imperator, nimio nostri amore nescisti ad securitatem nobis vere providere, qui non omnia tecum arma movisti, cum tu conservatio salus nostra sit. Et quid opus erat ipsi Rheno instructis et militibus et classibus, quem iam pridem barbaris nationibus virtutis tuae terror obstruxerat? An ostentare voluisti diligentiam tuam, divisis copiis inter custodiam pacis et belli? Aut enim iactanter et gloriose probare liberandae Urbi te sufficere cum paucis? Vix enim quarta parte exercitu contra centum milia armatorum hostium Alpes transgressus es, ut appareret penitus considerantibus (id quod nos fugit tui amore trepidantes) non dubiam te sed promissam divinitus petere victoriam.*) (Pan. Lat. XII 2.5–3.3)⁵⁷

The influence of the ideal imperial models that Augustus and Trajan provided is equally apparent on the famous Arch of Constantine, which still stands next to the Colosseum in Rome. The main inscription on this senatorial monument to imperial authority is redolent of the *Res Gestae*:

To the Emperor Caesar Flavius Constantine the Great, Holy, Fortunate, Augustus, the Senate and People of Rome, since through the inspiration of the divinity and the greatness of his own mind, with his own army he avenged the Republic by just war at one and the same time from both the tyrant and his entire faction, dedicated this arch with triumphal insignia. (*Imp. Caes. Fl. Constantino maximo P. F. Augusto. S. P. Q. R., quod instinctu divinitatis, mentis magnitudine, cum exercitu suo tam de tyranno quam de omni eius factione uno tempore iustis rempublicam ultus est armis, arcum triumphis insignem dicavit.*) (ILS 694)

The arch is adorned with reliefs of Trajan himself as a general victorious over barbarians, stripped from his forum and re-carved in the image of Constantine, but two of these have been given new inscriptions that re-assert the fundamental aspirations of the senatorial class: 'To the Liberator of the City' (*Liberatori urbis*), 'To the Establisher of Peace' (*Fundatori quietis*).

The historical traditions of the Roman Republic celebrated the achievements of its leaders in aggressive wars. Roman emperors from Augustus onwards were under considerable pressure to live up to this tradition, but also to fulfil the role of a peacemaker both externally, in their military and diplomatic dealings with foreign powers and barbarian tribes, and internally, with regard to the aspirations of the aristocratic

⁵⁷ The speaker's identity is unknown, but the speech was delivered at the imperial court in Trier; see C. E. V. Nixon and B. S. Rodgers, *In Praise of Later Roman Emperors: The Panegyrici Latini* (Berkeley and Los Angeles, 1994), 289–93. Translation by Rodgers.

elite and with the diverse political and ethnic groups who comprised their subjects. They frequently came under pressure from those elements of the established senatorial aristocracy who demanded prestigious military victories, both for the emperor and for members of their own class. Yet they were increasingly expected to respond to the wishes of a much wider elite in the provinces for whom the military culture of Rome was not so important. As Greg Woolf puts it: 'The Roman world had not been made pacific in the sense that its members were incapable of war. The emperor's *imperium* depended on the institutions and ideologies with which they organized the warlike tendencies of their subjects to wage peace.'⁵⁸ Thus it was necessary for successive emperors to maintain a balance between the traditional role of the successful Roman war leader and the complex responsibilities of the imperial peacemaker. Their relative success in performing this balancing act can to a large extent be assessed by the way that they are presented in honorific inscriptions, on coins and the works of historians and panegyrists. Although the power and prestige of individual emperors waxed and waned, as did the Roman Empire that they ruled, the ideas and the imagery associated with the emperor and the *pax Romana* remained potent symbols of war and peace.

⁵⁸ Woolf, 'Roman Peace', 191.

6 Treaty-making in Late Antiquity

A. D. Lee

Late Antiquity – broadly defined here as the third to the early seventh century AD – is a period which offers a geopolitical scenario full of intriguing dynamics and possibilities in relation to diplomacy and foreign relations.¹ In contrast to the early Roman Empire of the first two centuries AD, the late Roman Empire was no longer a great power without serious rivals. To the east there was now another major state of substance in the form of Persia, ruled by the centralising and ambitious Sasanian dynasty, while to the north the fragmented Germanic tribes of earlier centuries had coalesced into larger units capable of presenting the empire with more serious challenges.² In these changed circumstances, warfare assumed renewed importance in protecting the empire's interests, but so too did diplomacy, a subject about which much relevant source material has survived from these centuries. There are a number of major historians whose narratives include substantial focus on war and peace, notably Ammianus Marcellinus for the third quarter of the fourth century and Procopius for the first half of the sixth.³ There are also a number of other

¹ The recent study by D. J. Bederman, *International Law in Antiquity* (Cambridge, 2001), includes useful discussion of matters considered here in relation to earlier periods of ancient history, but it concludes in the middle of the second century BC, apparently overlooking the potential offered by Late Antiquity for his subject.

² For an overview, see A. D. Lee, *Information and Frontiers: Roman Foreign Relations in Late Antiquity* (Cambridge, 1993), ch. 1. For a 'source history' of Roman-Persian relations, see M. H. Dodgeon and S. N. C. Lieu (eds.), *The Roman Eastern Frontier and the Persian Wars AD 226–363: A Documentary History* (London, 1991), and G. Greatrex and S. N. C. Lieu (eds.), *The Roman Eastern Frontier and the Persian Wars: Part II, AD 363–630: A Narrative Sourcebook* (London, 2002).

³ For Ammianus, see G. A. Crump, *Ammianus Marcellinus as a Military Historian* Historia Einzelschriften 27 (Wiesbaden, 1975), J. F. Matthews, *The Roman Empire of Ammianus* (London, 1989), and the excellent overview of scholarship on Ammianus by David Hunt and Jan Willem Drijvers in J. W. Drijvers and D. Hunt (eds.), *The Late Roman World and its Historian: Interpreting Ammianus Marcellinus* (London, 1999), 1–15; for Procopius in general, see Averil Cameron, *Procopius and the Sixth Century* (London, 1986), A. Kaldellis, *Procopius of Caesarea: Tyranny, History, and Philosophy at the End of Antiquity* (Philadelphia, 2004), and specifically on book 1 of the Wars, see G. Greatrex, *Rome and Persia at War, 502–532* (Leeds, 1998). Although less well

historians whose work survives only in the form of excerpts. These are more valuable than one might otherwise suspect, because many of these excerpts are preserved as a result of their inclusion in handbooks produced by a later Byzantine emperor (Constantine VII Porphyrogenitus (913–59)) for the purpose of providing his son with guidance on the conduct of foreign affairs – so their content is helpfully skewed in favour of diplomacy.⁴

Despite this wealth of material, however, the specific subject of treaty-making has been relatively neglected in modern scholarship on diplomacy in Late Antiquity. Yet it is an aspect of diplomacy which has considerable potential to illuminate wider issues. This chapter aims to exploit that potential by pursuing two related avenues of enquiry. The first focuses on the more restricted question of the actual mechanics of treaty-making – the personnel involved, the procedures for formulating treaties, and their format; this proves to be significant in enhancing our understanding of the distinctiveness of the empire's relations with Sasanian Persia. The second, broader approach investigates the wider context of treaty negotiation, particularly the strategies by which the empire sought to exert a favourable influence on the content of treaties; what emerges from this, by contrast, is an emphasis, not on differences, but on common denominators in the empire's dealings with its neighbours.

The most detailed surviving description of treaty-making in Late Antiquity concerns the agreement concluded between the Romans and the Persians in AD 561–2, during the final years of the reign of the emperor Justinian (527–65), formally marking the end of a twenty-year conflict between the two empires. The description forms part of the narrative written by the late sixth-century historian Menander – one of the excerpted historians previously referred to – and his account of the treaty is partly based on official records and partly on the memoirs of the chief Roman negotiator.⁵ Menander's account is invaluable not only because of the

known, mention should also be made of the important Syriac chronicle attributed to Joshua Stylites which provides invaluable contemporary evidence about Roman relations with Persia in the late fifth and early sixth centuries: see F. R. Trombley and J. W. Watt (trs.), *The Chronicle of Pseudo-Joshua the Stylite* (Liverpool, 2000).

⁴ Texts, translations and discussion of most of the excerpts relevant to Late Antiquity can be found in R. C. Blockley, *The Fragmentary Classicising Historians of the Later Roman Empire*, 2 vols. (Liverpool, 1981–3), and R. C. Blockley (ed.), *The History of Menander the Guardsman* (Liverpool, 1985). For further discussion of the 'fragmentary' historians of the later sixth century, see Michael Whitby, 'Greek Historical Writing after Procopius: Variety and Vitality', in Averil Cameron and L. I. Conrad (eds.), *The Byzantine and Early Islamic Near East*, vol. 1: *Problems in the Literary Source Material* (Princeton, 1992), 25–80, at 25–54.

⁵ Menander fr. 6, 1 (ed. Blockley). For detailed discussion of the treaty see K. Güterbock, *Byzanz und Persien in ihren diplomatisch-völkerrechtlichen Beziehungen im Zeitalter Justinians* (Berlin, 1906), 57–105.

comprehensive coverage he provides about the content of the treaty itself – thirteen clauses in all – but also because of the unusual degree of detail he includes about the mechanics by which the treaty document was produced and ratified. This offers an obvious starting-point for an investigation of our subject, while also posing an obvious question – to what extent can this episode be taken as a paradigm for treaty-making in Late Antiquity?

The key features of the treaty-making process in 561–2 were as follows. First, location: negotiations were conducted at the frontier between the two empires. Second, personnel: on the Roman side, the chief negotiator was Peter the Patrician, who held the important imperial post of *magister officiorum* ('Master of the Offices'), while on the Persian side it was Yazdgusnasp, chamberlain to the Persian shah; each man was assisted by various individuals, including six interpreters apiece. Third, the process itself involved a number of careful steps: once various points of detail had been debated and settled (e.g., the length of time the treaty should remain in force – the eventual compromise was fifty years), the ratification of the respective rulers, Justinian and Khusro I, was sought and received in the form of so-called 'sacred letters' dispatched from the Roman and Persian capitals (Menander quotes a translation of the text of the Persian version);⁶ next, the agreed terms of the treaty were written out in both Greek and Persian, each then being translated into the other language and checked against one another; finally, copies were made and the originals were sealed with the imprint of the signet rings of the negotiators and the translators, after which Peter the Patrician was given the Persian original with a Greek translation, and Yazdgusnasp the Greek original with a Persian translation.

How typical, then, was this of treaty-making in Late Antiquity? This question warrants tackling in two stages: first, how typical was it of Roman–Persian treaty-making, and second, how typical was it of Roman treaty-making in Late Antiquity more generally? With reference to Roman–Persian relations, subsequent excerpts from Menander indicate that dispatching representatives to the frontier to arrange peace was the normal expectation during subsequent decades of the sixth century.⁷ Practice prior to the mid sixth century, however, was more variable: negotiations to end the conflict of 502–5 took place at the frontier,⁸ but the settlement of 299 was concluded in one of the Persian palaces,⁹ that of 363 about 100 miles inside Persian territory,¹⁰ and that of 532

⁶ Menander fr. 6, 1 (lines 179–98).

⁷ Menander frs. 18, 3; 18, 6; 20; 23, 8.

⁸ Josh. Styl. *Chron.* 97–8.

⁹ Peter the Patrician fr. 14 (Müller, *FHG* IV.189); trans. in Dodgeon and Lieu, *Roman Eastern Frontier*, 133.

¹⁰ Amm. Marc. 25.7.9.

involved Roman envoys negotiating with the Persian king near the River Tigris, that is, again inside Persian territory.¹¹ A more consistent pattern is evident in relation to personnel, at least on the Roman side, where the *magister officiorum* regularly features as a leading figure in negotiations, at least from the early fifth century onwards – hence, we find Helion in 422, Celer in 505–6, Hermogenes in 532, and Peter the Patrician, not only in 561–2, but a decade earlier when he undertook an abortive mission to Persia to secure peace.¹² This is consistent with other indications that this official gradually acquired important responsibilities in relation to the conduct of foreign relations during these centuries.¹³

The most interesting feature of the treaty of 561–2, however, is the detailed paperwork involved. Most of the specifics of this cannot be paralleled from other accounts of treaty-making with the Persians, though a reference to ‘sacred memoranda’ in the context of the peace of 532¹⁴ might be an allusion to the imperial letters of ratification which Menander also describes as ‘sacred’, and there are certainly various references in other sources to the existence and use of interpreters competent in Greek and Persian.¹⁵ The point that deserves emphasis, however, is the obvious but still fundamental one that the treaty of 561–2 was in *written* form, and there *is* testimony that a number of previous treaties with Persia were also written down, even if it remains uncertain whether they underwent the same sort of meticulous process of translation and verification that Menander describes. Explicit evidence for the written form of treaties with Persia is available with reference to the settlements of 363, 506 and 532,¹⁶ which strongly suggests that this was a standard feature of treaty-making with Persia from an early stage in the history of Roman–Persian relations. Written treaties in turn pre-suppose translation into the relevant languages.

Certain broad features of Menander’s account of treaty-making in 561–2 do, therefore, seem to have been typical of Roman–Persian treaty-making, if not from the beginning of relations between the two empires in the third century, then at least for a substantial portion of their four centuries of engagement – first, the prominent role of the *magister officiorum*, and second, the written form of treaties. These features take on greater significance

¹¹ Procop. *Wars* 1.22.1.

¹² Helion: Socrates *Hist. eccl.* 7.20.1ff.; Celer: Josh. *Styl. Chron.* 95–8, Procop. *Wars* 1.9.24; Hermogenes: Procop. *Wars* 1.21.1, 1.22, John Malalas *Chronicle* 477 (E. and M. Jeffreys and R. Scott (trans.), *The Chronicle of John Malalas* (Melbourne, 1986)); Peter: Procop. *Wars* 8.11.2–4.

¹³ Lee, *Information and Frontiers*, 41–4.

¹⁴ John Malalas *Chron.* 477.

¹⁵ Lee, *Information and Frontiers*, 51 n. 7 (the primary function of these could, of course, have been in relation to verbal negotiations rather than translation of documents).

¹⁶ *Ibid.*, 36 n. 107.

when we turn to consider our second question – how typical is Menander's account with respect to Roman treaty-making in Late Antiquity more generally? A useful entrée into this wider question is provided by the following episode recounted by the fourth-century historian Ammianus Marcellinus, here describing the conclusion of a treaty in 374 between the Roman emperor Valentinian I (364–75) and Macrianus, an important leader of the Alamanni (a Germanic people who inhabited the Black Forest region):

A courteous invitation to come to the vicinity of Mainz was sent at once to the aforesaid king [Macrianus], who was himself clearly inclined to come to terms. He arrived in a mood of prodigious self-confidence, expecting that he would have the last word in the negotiations. On the day appointed for the conference he stood majestically erect on the very bank of the Rhine, while his countrymen clashed their shields around him. From the other side the emperor, also attended by a host of officers of various ranks amid a display of gleaming standards, embarked on some river-boats and came to a safe distance from the shore. When the frantic gesticulations and chatter of the barbarians at last died down, there was much exchange of talk from both sides, and a pact of friendship was concluded and confirmed by solemn oaths. The king who had been such a source of trouble then withdrew mollified. From that time he was to prove our ally, and up to the very end of his life gave ample proof of his steadfast loyalty by his noble behaviour.¹⁷

This scene was not necessarily typical in every respect of Roman treaty-making with northern barbarians, but it is a scene that can be paralleled, at least during the fourth century, and it does throw up some interesting contrasts to the Roman–Persian model. In terms of fourth-century parallels, there are similar episodes, first, from the career of Julian who, while a junior emperor in Gaul in the late 350s, negotiated with a Germanic leader from a boat on the Rhine (prudently kept, we are told, ‘out of arrow range’);¹⁸ and second, from the reign of the emperor Valens (364–78) who parleyed with the Gothic leader Athanaric on a boat in the middle of the River Danube in 369.¹⁹ As has been duly emphasised by previous commentators,²⁰ what is most immediately striking about these and other examples of treaty-making from the northern frontier during the fourth century is the way in which they involved face to face encounters between emperor and foreign leader.²¹

¹⁷ Amm. Marc. 30.3.4–6, translated by W. R. Hamilton, *Ammianus Marcellinus: The Later Roman Empire (AD 354–378)* (London, 1986).

¹⁸ Eunap. fr. 18, 6 (ed. Blockley).

¹⁹ Amm. Marc. 27.5.9; Them. Or. 10.132/201ff.

²⁰ F. Millar, ‘Emperors, Frontiers and Foreign Relations, 31 BC to AD 378’, *Britannia* 13 (1982), 1–23, at 14–15, 22–3; M. Whitby, ‘From Frontier to Palace: The Personal Role of the Emperor in Diplomacy’, in J. Shepard and S. Franklin (eds.), *Byzantine Diplomacy* (Aldershot, 1992), 295–303.

²¹ Participants in the relevant conference session drew attention to a number of occasions from subsequent periods of history when leaders negotiated mid-stream, notably Napoleon and Tsar Alexander I on a raft on the River Niemen at Tilsit in 1807.

What has not, I think, been noted before is that Roman–Persian treaty-making never involved such face to face encounters between emperor and shah. To be sure, one version of the capture of the emperor Valerian (253–60) in 260 does present the catastrophe in terms of Persian duplicity when Valerian came to negotiate face to face with Shapur I,²² but it has been persuasively argued by David Potter that the alternative version given in other sources – namely that Valerian was captured in battle – is the correct one.²³ Even in 363, when the Roman army had to conclude a treaty to extract itself from Persian territory, the emperor Jovian (363–4) did not negotiate in person with Shapur II, but rather through intermediaries.²⁴

The explanation for this difference must surely relate to Roman concern with ensuring that the dignity and pre-eminence of the emperor was not seen to be challenged in any way. Presumably no such fear arose when dealing with the leaders of obviously less sophisticated peoples such as the Alamanni or the Goths, but the Persian shah was potentially a different proposition entirely. At any rate, this contrast disappears after 395, when, for a variety of reasons, emperors ceased to undertake military campaigning and became palace-bound, at least until the early seventh century.²⁵ One consequence of this important change in imperial behaviour was that face to face encounters on the northern frontier ceased. It is also in this period that the *magister officiorum* emerges as a key official in the conduct of foreign relations, and the two developments are presumably not unconnected. As already noted, it is from the early fifth century that we have the first instance of the *magister* playing a prominent role in treaty-making with Persia. Is this paralleled in treaty-making with other peoples?

The available evidence indicates a negative answer, though this conclusion needs to be qualified in two respects. First, it is based on necessarily incomplete data – that is, not all holders of the post of *magister officiorum* during Late Antiquity are known, let alone detailed accounts of all their activities.²⁶ Second, a strong argument has been made by Brian Croke that a treaty made with Attila in 442 was negotiated by a certain Nomus, known to have held the post of *magister* in the mid-440s.²⁷ If this was so, however, Attila can reasonably be regarded as a special case among leaders

²² Zos. I.36.1–2.

²³ D. S. Potter, *Prophecy and History in the Crisis of the Roman Empire* (Oxford, 1990), 331–7.

²⁴ Amm. Marc. 25.7.5–8.

²⁵ See Whitby, 'Frontier to Palace'.

²⁶ Listings and biographies of known holders of the office can be found in the successive volumes of J. R. Martindale (ed.), *The Prosopography of the Later Roman Empire*, 3 vols. (Cambridge, 1970–92).

²⁷ B. Croke, 'Anatolius and Nomus: Envoys to Attila', *Byzantinoslavica* 42 (1981), 159–70.

impinging on the empire's northern frontiers, in so far as he appears to have commanded much more substantial resources than the tribal leaders with whom the empire was accustomed to deal. Moreover, the overall contrast remains highly suggestive, even given the gaps in the evidence.

The conclusions that emerge from consideration of the personnel dimension of treaty-making are therefore consistent with other indications that the empire treated relations with Persia as different from its dealings with other neighbours.²⁸ The remaining issue for consideration is the actual treaty instrument, which in the case of Roman treaties with Persia usually took a written form. To revert to Ammianus' description of Valentinian's meeting with Macrianus, there is no mention of any documentation, but instead a reference to oaths. The fact that Ammianus says nothing about a written text in relation to this one incident is not, of course, decisive. Much more significant is the fact that there do not appear to be *any* explicit references to written treaties between the empire and northern peoples during Late Antiquity.²⁹ This is no great surprise given the essential illiteracy of the peoples in question.³⁰ However, barbarian leaders are known to have exchanged letters with the emperor, and though this is likely to have been done with the aid of Roman prisoners, it has been argued on this basis by Roger Blockley that the argument from silence is not conclusive and that the use of written treaties in this context remains a possibility.³¹

Nevertheless, the balance of probability still leans heavily against the likelihood of written treaties, at least until the latter stages of Late Antiquity. Anthropological studies are suggestive regarding the ability of communities in non-literate cultures to conclude agreements with one another without resort to writing.³² There is also the question of

²⁸ Cf. A. D. Lee, 'The Role of Hostages in Roman Diplomacy with Sasanian Persia', *Historia* 40 (1991), 366–74.

²⁹ See R. C. Blockley, *East Roman Foreign Policy: Formation and Conduct from Diocletian to Anastasius* (Liverpool, 1992), 160; B. D. Shaw, 'War and Violence', in G. W. Bowersock, P. Brown and O. Grabar (eds.), *Late Antiquity: A Guide to the Postclassical World* (Cambridge, MA, 1999), 130–69 at 159.

³⁰ See M. Todd, *The Northern Barbarians, 100 BC – AD 300*, 2nd edn (London, 1987), 9–10; P. Heather, 'Literacy and Power in the Migration Period', in A. K. Bowman and G. Woolf (eds.), *Literacy and Power in the Ancient World* (Cambridge, 1994), 177–97 at 178–81.

³¹ Blockley, *East Roman Foreign Policy*, 160. Contrast the view of L. F. Pitts, 'Relations between Rome and the German 'Kings' on the Middle Danube in the First to Fourth Centuries A.D.', *Journal of Roman Studies* 79 (1989), 45–58 at 54: 'At no time does a written treaty or *foedus* seem to have existed to regulate relations between Rome and the Marcomanni and Quadi; there is no reference to or hint of such a treaty in the sources.'

³² P. H. Gulliver, *Disputes and Negotiations: A Cross-Cultural Perspective* (New York, 1979).

practical function. Treaties with Persia usually included considerable detail, some of it quite specific, such as the duration of the agreement or the fate of particular frontier regions and cities (the two empires did share a very long frontier, from the Caucasus to Mesopotamia), so that having a written record would be important. By contrast, agreements with northern peoples appear for the most part to be more generalised in nature, typically doing little more than confirming (as in the example of Macrianus) an end to hostilities, and in that sort of situation there must have been less need for a written version to serve as a memorandum, though this argument probably requires qualification with the passage of time. Some of the empire's agreements with Attila in the mid fifth century were more detailed, so may have taken written form, but then Attila is known to have had a basic administrative apparatus.³³ Similarly, the emerging successor kingdoms in the west had basic bureaucratic infrastructures, so written treaties are to be expected in this context by the sixth century, and indeed are attested.³⁴

Nevertheless, if written treaties with northern peoples are likely to have served little practical purpose until the latter stages of Late Antiquity, might they still have had some symbolic significance, as a way of reinforcing compliance? This also seems unlikely so long as these peoples placed little value on literacy and the written word, and the reference to oaths surely reinforces this point. Oaths do seem to have played a prominent part in agreements with northern peoples. Elsewhere, Ammianus provides further elaboration on such oaths. At one point, he refers to Alamanni confirming an agreement with the Romans by taking 'an oath according to their native ritual', while at another he describes Quadi on the Middle Danube 'drawing their swords, which to them are objects of religious reverence, and swearing that they would remain loyal'.³⁵ From the sixth century, Menander provides an even more detailed example of an oath sworn by an Avar ruler, albeit in overly dramatic fashion:

³³ See Heather, 'Literacy', 186–7.

³⁴ E.g., Procop. *Wars* 6.29.5–6; Gregory I *Registrum Epistolarum* 9.229 (*Corpus Christianorum Series Latina* vol. CXL A, 810–11); *Epistulae Austrasicae* 42 (*MGH Epist.* vol. III). From the context of the Roman frontier in southern Egypt during the mid fifth century, there is also a reference to a written treaty with the tribesmen known as Blemmyes and Nobades (Priscus fr. 27, 1 (ed. Blockley)); there is some evidence of literacy among them, or at least the use of others to write on their behalf (J. D. Fage (ed.), *The Cambridge History of Africa* (Cambridge, 1978), vol. II, 271, 447; A. Kazhdan (ed.), *Oxford Dictionary of Byzantium* (Oxford, 1991), vol. I, 296–7 (s.v. Blemmyes)).

³⁵ 17.1.13; 17.12.21.

He immediately drew his sword and swore the oaths of the Avars, invoking against himself and the whole Avar nation the sanction that, if he planned to build the bridge over the River Save out of any design against the Romans, he and the whole Avar tribe should be destroyed by the sword, heaven above and God in the heavens should send fire against them, the mountains and the forests around fall upon them, and the River Save overflow its banks and drown them.³⁶

Menander goes on to relate that the Avar ruler then requested that he be allowed to swear an oath after the Roman fashion, and duly did so on a copy of the Bible (an interesting development in its own right). In this particular instance, it soon became apparent that this excessive fastidiousness was an attempt to mask the Avar leader's determination to pursue his objective irrespective of any oaths he had sworn, but Roman willingness to rely on oaths and the formulation specific to a particular people has rightly been seen as indicative of Roman flexibility and their being prepared 'to adapt diplomatic forms to the needs of the frontier, where it encountered groups with their own particular norms for establishing formal relationships'.³⁷

At this point, it would be very interesting and neat if it could be shown that, by contrast to their dealings with other neighbours, the Romans did *not* use oaths to confirm treaties with the Persians. Such a conclusion might suggest that the written word had displaced the spoken. However, there is a reference to the use of oaths in the context of the settlement of 363,³⁸ and Menander's account of the treaty of 561–2 indicates that the penultimate clause of the treaty contained 'prayers to God and imprecations to the effect that may God be gracious and ever an ally to him who abides by the peace, but if anyone with deceit wishes to alter any of the agreements, may God be his adversary and enemy'.³⁹ There is no doubt, however, that the production of the written treaty text receives much more time and attention in Menander's account, while it is surely of considerable significance that the oath element itself is now incorporated into the treaty text *and* in written form.⁴⁰

³⁶ Fr. 25, 1 (trans. R. Blockley).

³⁷ P. Heather, 'Foedera and foederati in the Fourth Century', in W. Pohl (ed.), *Kingdoms of the Empire: The Integration of Barbarians in Late Antiquity* (Leiden, 1997), 57–74 at 69. Cf. D. A. Miller, 'Byzantine Treaties and Treaty-making: 500–1025 AD', *Byzantinoslavica* 32 (1971), 56–67 at 74–6.

³⁸ Amm. Marc. 25.7.14. There is also a reference to an oath being sworn by the Persian king as part of an agreement with the Romans in 384 (Claud. *Stil.* 1.61–3), but its poetic context means that it could be literary embellishment.

³⁹ Menander fr. 6, 1 (trans. R. Blockley).

⁴⁰ An interesting subject for further investigation would be the question of whether Roman treaty-making betrays any signs of influence from the Roman law of contract.

A final feature of Roman treaty-making with northern peoples which warrants brief comment is the frequent requirement that hostages be handed over for substantial periods as a guarantee, typically the sons of leading members of the relevant people.⁴¹ As I have argued elsewhere,⁴² it is noteworthy that the role of hostages in Roman–Persian relations was quite different, in so far as they served only as short-term guarantees until the implementation of an agreement. Again, it seems plausible to posit a link between this variation in practice and whether an agreement took written or verbal form.⁴³

Although there are obviously significant gaps in the evidence and the above sketch may be a little overschematised in places, the overall picture that emerges is one of contrasts between how the empire made treaties with Persia compared with other peoples. As with the specific issue of oaths, this highlights the flexibility of Roman diplomacy depending on whom the empire was dealing with. At the same time, it is also important to view the mechanics of treaty-making in a broader context, to consider it as the final stage in the process of negotiation. When this process is taken into account, it becomes apparent that the empire employed common strategies to exert a favourable influence on the content of treaties, irrespective of whom it was dealing with.

The first of these strategies was the use of display and ceremonial to impress foreign rulers or their delegates. To revert once again to the encounter between Valentinian and Macrianus, Ammianus emphasises the fact that Valentinian was ‘attended by a host of officers of various ranks amid a display of gleaming standards’ – clearly a deliberate attempt to overawe the other side and render them more amenable to Roman terms. This can be paralleled in many other encounters on the northern frontier during the third and fourth centuries.⁴⁴ Once emperors ceased to campaign in person, the locus of such display shifted to the imperial palace where the emperor would receive foreign ambassadors,⁴⁵ most famously in the poet Corippus’ account of the reception of Avar envoys in Constantinople by the emperor Justin II (565–78) in 566:

⁴¹ For the role of hostages in Roman diplomacy during the centuries before Late Antiquity, see J. Allen, *Hostages and Hostage-Taking in the Roman Empire* (New York, 2006).

⁴² Lee, ‘The Role of Hostages’.

⁴³ It is almost as if the existence of a treaty in written form obviated the need for long-term hostages, even if written treaties provided no greater absolute guarantee against the breaking of a treaty’s terms than hostages did.

⁴⁴ E.g., Dexippus in Jacoby *FGrH* 100, F. 6 (2–3); Amm. Marc. 18.2.17; 19.11.8; 30.3.5.

⁴⁵ See Whitby, ‘Frontier to Palace’.

When the happy emperor had ascended the lofty throne and settled his limbs high up with his purple robe, the master of offices ordered the Avars to enter and announced that they were before the first doors of the imperial hall begging to see the holy feet of the merciful emperor, and he ordered with gentle voice and sentiment that they be admitted. The barbarian warriors marvelled as they crossed the first threshold and the great hall. They saw the tall men standing there, the golden shields, and looked up at their gold javelins as they glittered with their long iron tips and at the gilded helmet tops and red crests. They shuddered at the sight of the lances and cruel axes and saw the other wonders of the noble procession. And they believed that the Roman palace was another heaven . . . But when the curtain was drawn aside and the inner part was revealed, and when the hall of the gilded building glittered and Tergazis the Avar looked up at the head of the emperor shining with the holy diadem, he lay down three times in adoration and remained fixed to the ground. The other Avars followed him in similar fear and fell on their faces.⁴⁶

Menander's account of treaty-making in 561–2 makes no reference to display of any sort, so that one might be tempted to assume that this tactic was not deployed in Roman relations with Persia. By focusing on the actual treaty-making, however, the wider context has been overlooked. The scene Menander describes in 561–2 was in fact the culmination of a series of exchanges between the two empires, involving envoys travelling backwards and forwards between the palaces in Constantinople and Ctesiphon. The historian Procopius mentions visits to Constantinople undertaken by Yazdgusnasp in the 540s and 550s, and there also survives quite a detailed description of how to receive a Persian envoy in Constantinople which clearly draws on actual occasions from this period. It is preserved in a later Byzantine guide to ceremonial occasions known as the *Book of Ceremonies*, and the following excerpts give a taste of its content:

All the dignitaries advance in garments of pure silk, and the envoy enters through the imperial gateway, and the *magister* welcomes him in his office and enquires of him whether he has gifts for his emperor, for he needs to know them all before they enter and take an inventory of them. The *magister* goes to the emperor and takes him the details of the gifts and gives him the inventory, while the envoy waits in the office of the *magister*. When the dignitaries have been admitted and enter the audience hall, the usher and the secretaries for foreign peoples and the interpreters should conduct the envoy to the antechamber of the audience hall and seat him there . . . The emperor emerges from his apartments escorted by a patrician and seats himself in the great audience hall . . . After all the dignitaries have been admitted, the *magister* makes a proclamation such as

⁴⁶ *In praise of Justin II* 3.230–43, 254–61 (Averil Cameron (ed. and trans.), *Flavius Cresconius Corippus: In laudem Iustini Augusti minoris* (London, 1976)).

the following: 'Summon Iesdekos, the envoy of Khusro, king of the Persians, and those accompanying him, and let the guard enter' . . .

The curtain is raised and the envoy casts himself on the ground outside, where the pavement of porphyry marble is, and prostrates himself, then rises. Then, having entered the audience hall, he casts himself down again, prostrates himself on the ground, and rises. And again, in the middle of the audience hall, he prostrates himself in the same manner, then advances and kisses the imperial feet, and standing in the middle, he presents the letter and conveys the greetings of his king. Then the emperor should enquire, 'How fares our brother by the grace of God? We rejoice if he enjoys good health.' And he addresses such heartfelt words to the envoy as he wishes. Then the envoy says, 'Your brother has sent gifts, and I ask you to accept them.' The emperor agrees to do so. The envoy goes out and with his retinue takes up the gifts and carries them in . . . The court attendants receive all the gifts, and it is their responsibility to take them into the sacred dressing chamber together with the inventory of the *magister*, where they hand them over and their value is reckoned. The personnel of the dressing chamber should inform the *magister* of the value of the gifts as soon as possible, so that he knows their worth, and when there is an opportunity to reciprocate, he can remind the emperor as to what he needs to send back with his own envoys. When the gifts have been presented, the emperor says to the envoy, 'Rest yourself for a few days, and if we have anything to discuss, we will talk, and then we will release you with honour to our brother.' The envoy expresses his thanks, prostrates himself, and then again in the same places, before withdrawing.⁴⁷

The name of the specific envoy alluded to here is Iesdekos, which has with some justification generally been seen as a variation on the name Yazdgusnasp.⁴⁸ Even if this is not the case, however, the full version clearly shows the enormous lengths to which the imperial authorities went to impress the visiting Persian envoy, both in terms of the accommodation provided for his stay (described in an earlier part of the text) and of the ceremonial display in the palace when he was formally received by the emperor.

This account also lays particular emphasis on a second strategy designed to influence negotiations – the role of gift-giving. There is reference to the gifts brought by the Persian envoy and to Roman concern to ensure that gifts of comparable value were sent back with him to

⁴⁷ Constantine Porphyrogenitus *De Caer.* 1.89 (J. J. Reiske (ed.), *Constantinus Porphyrogenitus: De Caerimoniis* (Bonn: Corpus Scriptorum Historiae Byzantinae, 1829)). I am in the process of writing a commentary on this and the other sixth-century chapters preserved in the *De Caerimoniis*.

⁴⁸ Güterbock, *Byzanz und Persien*, 18 n. 4; J. B. Bury, *History of the Later Roman Empire from the Death of Theodosius I to the Death of Justinian* (London, 1923), vol. II, 118 n. 1; F. Tinnefeld, 'Ceremonies for foreign ambassadors at the court of Byzantium and their political background', *Byzantinische Forschungen* 19 (1993), 193–213 at 194–5; S. Diebler, 'Les hommes du roi', *Studia Iranica* 24 (1995), 187–218 at 199 n. 61.

the Persian shah, a feature corroborated by Procopius' account of Yazdgusnasp's embassy to Constantinople in 548, from which he returned home laden with Roman largesse.⁴⁹ Gift-giving was common practice in Roman dealings with northern peoples also,⁵⁰ but again, one would not have guessed that it was a dimension of Roman-Persian relations from reading Menander's account of treaty-making in 561-2. Consideration of the wider context of treaty negotiation therefore highlights a number of dimensions which Roman dealings with Persia had in common with their conduct of relations with others. While Roman treaty-making with Persia had certain distinctive features, therefore, it becomes apparent that it also shared a number of broader contextual features with Roman dealings with other neighbours. This in turn serves to highlight the adaptability and pragmatism which were such important features of Late Roman diplomacy, and it was that diplomacy, as much as warfare, which enabled a substantial part of the eastern half of the empire to survive beyond the end of antiquity in the early seventh century and into the medieval period.

⁴⁹ Procop. *Wars* 2.28.40-4.

⁵⁰ See, for example, Heather, 'Foedera', 70-1.

7 Byzantine diplomacy: good faith, trust and co-operation in international relations in Late Antiquity

Michael Whitby

In 555 the Roman commander in Lazica, Martin, summoned the Laz king Gobazes II to a conference, ostensibly to discuss an attack on the Persian-held fort of Onoguris but in reality to carry out a carefully prepared plan to murder him (Agathias, *Histories* 3.2.9–3.4.6); relations had been strained for some time, and Martin and his collaborator Rusticus feared that Gobazes had been sending hostile reports about them to Justinian. The murderers had attempted in advance to secure imperial acquiescence by sending Rusticus' brother John to Constantinople, where, although he had failed to convince Justinian that Gobazes was a traitor, he induced the emperor to summon the king to his presence and to concede that he might be killed if he resisted (Agathias 3.3.2–6). So far the incident appears as a successful example of Roman 'dirty tricks',¹ with the Romans actually managing to get their man, but the *dénouement* is more complex. The Laz contemplated switching their allegiance to the Persians, and, even if Agathias' presentation of a formal debate (3.8.4–3.14.1) is a historiographical convention, there is no reason to doubt that some leading Laz would have been keen to reactivate their links with Persia.² Justinian's response was to instruct the senator Athanasius to investigate the matter thoroughly, in accordance with Roman law; John and Rusticus were arrested, subjected to a public trial when a break in hostilities permitted, condemned and executed after being paraded through the streets of Apsarus (Agathias 3.14.4–6; 4.1.1–4.11.4).

Agathias stresses the impressive formality of the legal ceremony, and alleges that Laz spectators followed the tone, if not the content, of the speech by their prosecutor (4.1.4–7, 7.1). He may well overstate the impact of proceedings on the Laz, extrapolating from his own experience of courts at Constantinople, but his assessment of Justinian's intentions

¹ I have benefited from discussion with Doug Lee who presented a seminar paper on 'dirty tricks' in 1999.

² On Lazica in this period see D. Braund, *Georgia in Antiquity: A History of Colchis and Transcaucasian Iberia 550 BC–AD 562* (Oxford, 1994), ch. 9, esp. 308–9 on this incident.

(4.1.6) is entirely plausible: if the guilty were not punished in Lazica, the effect of retribution would be diluted. They might even have received a punishment which, while significant in Roman terms, would not have seemed commensurate with the crime to the Laz, as in fact happened to Martin who was eventually removed from office and disgraced but allowed to live in recognition of past services (4.21.1–3).³ Justinian's solution demonstrated the power of the Roman legal system, whose punishments supposedly even aroused sympathy on the prosecution side (4.11.4), the compatibility of the Laz with the civilised principles of Roman law contrary to the assertions of Rusticus and John (4.8.5), and above all the good faith of the emperor in spite of the deceit of certain subordinates.

This response stands in marked contrast to other occasions when the implementation of a 'dirty tricks' policy failed or backfired. In 376 the Roman commander in Thrace, Lupicinus, invited the leading Greuthungi to dinner, killed their bodyguards and arrested Alavivus, although Fritigern talked his way out of captivity (Ammianus 31.5.5–7); Lupicinus does not seem to have suffered for this.⁴ In 449 the eunuch chamberlain Chrysaphius, who dominated Theodosius II's court, attempted to suborn the Hunnic ambassador Edeco to murder his master Attila (Priscus fr. 11.1); after the plot was betrayed Attila berated Theodosius for failing to live up to his noble birth and demanded the surrender of Chrysaphius as absolution, but another embassy and lavish presents deflected his anger (Priscus fr. 15.2–3).⁵ From the sixth-century East there are the attempts to deal with the Ghassanid leader al-Mundhir, first an alleged assassination in 573 which was revealed when the emperor's letters were misdirected, and then arrest in 581/2 by his friend and patron Magnus at the consecration of a church (John of Ephesus, *Ecclesiastical History* 6.3–4; 3.40–1);⁶ the first was smoothed over once a new Roman commander had arrived in the east, while after

³ This narrative in Agathias is discussed by A. Kaldellis, 'The Historical and Religious Views of Agathias: A Reinterpretation', *Byzantion* 69 (1999), 206–52 at 218–21, from the perspective of Agathias' belief in divine justice; Kaldellis believes that Martin was not adequately punished, but see M. Whitby, 'Religious Views of Procopius and Agathias', *Electrum: Studies in Ancient History* 13 (2007), n. 72.

⁴ See Peter Heather, 'Goths and Huns, c. 320–425' in Averil Cameron and Peter Garnsey (eds.), *Cambridge Ancient History*, vol. XIII: *The Late Empire A.D. 337–425*, (Cambridge, 1998), 487–515, at 507–8, for such treachery as standard Roman policy in dealings with European tribal leaders, and the suggestion that Lupicinus must have been acting on imperial orders.

⁵ Cf. Olympiodorus 19 for the Hun ruler Charaton being soothed by gifts after the Hun Donatus was deceitfully killed during a visit by a Roman embassy.

⁶ For doubts about the assassination, see L. M. Whitby, *The Emperor Maurice and His Historian: Theophylact Simocatta on Persian and Balkan Warfare* (Oxford, 1988), 257–8.

the second the Romans had to endure raiding by the Ghassanids until they managed to apprehend al Mundhir's successor Naman (John 6.41–2).

With the Laz, however, there is a contrast between the local or operational implementation of 'dirty tricks' and the central or strategic concern for a public demonstration of imperial good faith. This might be explained by the fact that the Laz's connection to the Romans was closer than in any of the other cases. Some of the instances from the European frontiers do involve enemies of the empire, but not all: thus the Greuthungi had crossed the Danube in 376 as allies. The Ghassanids were also allies, supposedly co-operating in military operations against the Persians, and so closer to the position of the Laz. Lazica, however, was a client state, currently attached to the Roman Empire; the population lived under their own laws and rulers even if their territory was occupied by Roman and Persian troops during the 550s. As a more solid political unit than an Arab or European tribal group, it might have merited superior treatment; as a state which had recently switched sides, it also needed special attention.

Such explanations are plausible, but it is also worth exploring the incident in the context of the role of good faith in the international relations of the late Roman Empire, especially on its eastern frontier. It will emerge that, whatever the underlying realities of behaviour, there were benefits in being perceived to be trustworthy, at least in the east where the population of the frontier provinces often had stronger links with those on the other side of the political divide than with their imperial masters.⁷ There were significant developments in the practice of diplomacy during Late Antiquity, especially after the death of Theodosius I in 395 and the virtual cessation for a couple of hundred years of active involvement in warfare by Roman emperors.⁸ Diplomatic structures emerged, especially on the eastern frontier where the proximity of the two established powers of the ancient world occasioned the formalisation of contacts: accessions of new rulers were formally notified,

⁷ The classic study is J. B. Segal, 'Mesopotamian Communities from Julian to the Rise of Islam', *Proceedings of the British Academy* 41 (1955), 109–39. See also K. Fowden, *The Barbarian Plain: Saint Sergius between Rome and Iran* (Berkeley, 1999) for perceptive investigation of one important site.

⁸ For the preceding period, see Fergus Millar, 'Emperors, Frontiers and Foreign Relations, 31 B.C. to A.D. 378', *Britannia* 13 (1982), 1–23, and 'Government and Diplomacy in the Roman Empire during the First Three Centuries', *International History Review* 10 (1988), 345–77. For Late Antiquity, R. C. Blockley, *East Roman Foreign Policy: Formation and Conduct from Diocletian to Anastasius* (Liverpool, 1992) is fundamental. The context and consequences of diplomacy have also been perceptively analysed by A. D. Lee, *Information and Frontiers: Roman Foreign Relations in Late Antiquity* (Cambridge, 1993); there are general overviews and some specific treatments in Jonathan Shepard and Simon Franklin (eds.), *Byzantine Diplomacy* (Aldershot, 1992).

different grades of ambassadors with plenipotentiaries for substantive business and minor embassies to deal with specific matters or even just to lubricate exchanges are first seen, and the importance of properly verified and ratified treaties is understood.⁹ It has been proposed that there was also a more substantive change in the nature of diplomacy, from 'diplomacy as an adjunct or epilogue to war' to 'diplomacy that sought to substitute itself for war and to treat war not as its precondition but as its outcome'.¹⁰ If true, this would provide a good context for the acceptance of the importance of good faith. In a sense, however, war as the outcome of unsuccessful diplomacy was embedded in the structures of the Roman Republic through Roman exploitation of the fetial process and Latin literary narratives of diplomatic dealings with Carthage or Hellenistic monarchies; Romans may often have behaved disingenuously in diplomatic exchanges with such opponents, but this underlines the strength of the principle which they were subverting.¹¹ Accounts of early Sasanid diplomatic demands, if accurate, indicate that this approach was also recognised in Persia, with impossible demands serving as the precursor to hostilities (e.g. Herodian 6.2.2–5; 4.5).¹² The fragility of Roman–Persian relations in the sixth century, when short-term considerations counted for most,¹³ suggests that there had been no fundamental change in diplomatic presuppositions.

In Europe there is no doubt that Romans did not expect their tribal neighbours to be particularly reliable in terms of international obligations:¹⁴ the Huns were greedy and unstable, the social structure of the Slavs was too anarchic to permit proper dealings, and the Avars repeatedly broke agreements and even diplomatic conventions regarding rights of ambassadors from other neighbours as well as the Romans – or

⁹ Clear discussion in Blockley, *Policy*, 151–63.

¹⁰ *Ibid.*, 151.

¹¹ Such exchanges might be defined as 'diplomacy as adjunct to war', but war was not the inevitable outcome of all missions; for example, in 229 BC if Queen Teuta of the Illyrians had responded positively to Roman requests, the First Illyrian War need not have occurred.

¹² For debate over the validity of Roman accounts of early Sasanid diplomacy, which revolve around the plausibility of Sasanids exploiting a link with the Achaemenids, see E. Kettenhofen, 'Die Einforderung des Achämenidenerbes durch Ardasir: Eine Interpretatio Romana', *Orientalia Lovanensia Periodica* 15 (1994), 177–90; id. 'Einige Überlegungen zur Sasanidischen Politik gegenüber Rom im 3. Jh.n. Chr.', in E. Dabrowa (ed.), *The Roman and Byzantine Army in the East* (Krakow, 1994), 99–108; J. Wieschöfer, *Ancient Persia* (London, 1996), 165–9; E. Winter and B. Dignas, *Rom und das Perserreich* (Berlin, 2001), 78–84. Even if the accounts are to be rejected as Roman falsification, they still provide more evidence for Roman appreciation of defensive diplomacy.

¹³ Recognised by Blockley, *Policy*, 162.

¹⁴ For a greater incidence of bad faith in Europe than the East, see *ibid.*, 45.

this is the way in which these peoples are presented by Roman writers, a consequence both of literary stereotyping and of the ways in which relations with these relatively unstable societies were bound to change unpredictably.¹⁵ The Avars even deployed their own 'dirty tricks', insisting in 578/9 on a solemn oath-swearing ceremony on the Bible (Menander 25.1.67–87),¹⁶ and in 623 attempting to capture Emperor Heraclius who had ventured outside Constantinople for a meeting with the Chagan at Heraclea (Nicephorus ch.10, Mango); Heraclius is alleged to have had to flee to the city walls in disguise, with his crown tucked under his arm. The Romans did not set a good example, and Roman authors regularly insert complaints about diplomatic deceit into the mouths of foreigners, for example Theoderic Strabo's tirade to Theoderic the Amal about Zeno's intentions to weaken the Goths through mutual feuding (Malchus 18.2.30–42), or the Utigur leader Sandil's complaint about Justinian's inconsistent treatment of the Kotrigurs (Procopius, *Wars* 8.19.8–21). But on each of these occasions the devious emperor was attempting to limit the damage which dangerous invaders would inflict on the Balkan provinces. The Turk Chagan Turxanthus displayed Roman duplicity most vividly, by stuffing both hands into his mouth to demonstrate that their envoys spoke with as many tongues as his fingers (Menander 19.1.50–64), but this is in the context of hybriatic pretensions to world domination. In this volatile atmosphere it is unlikely that scrupulous adherence to agreements and obligations would have brought any benefits.

It should be stressed that there is no reproach about the use of trickery evident in these historiographical presentations: it is difficult to assess the narratives of the fragmentary Malchus and Menander, but Procopius presents Justinian's policy at least in neutral terms. In the *Secret History* Procopius criticised Justinian's international dealings for squandering money without achieving results (8.5–6; 11.5), not for being unprincipled; the policy of playing foreign tribes off against each other is an example of Justinian's blood lust, not dishonesty.¹⁷ In *Wars* Justinian's approach to Sandil is introduced in terminology which in *Buildings* is regularly used for the emperor's clever resolution of difficult problems;¹⁸

¹⁵ A selection of examples: Huns: Priscus 10. Slavs: Maurice, *Strategicon* 11.4.64–8. Avars: Menander 25.1; 5.3; Theophylact 1.3.

¹⁶ Cf. Eunapius 48.2 for the allegation (by a jaundiced pagan) that the Goths had used Christian oaths to deceive the Romans in the fourth century.

¹⁷ Cf. Averil Cameron, *Procopius and the Sixth Century* (London, 1986), 240.

¹⁸ When faced by a particular crisis, 'Emperor Justinian devised the following' (*epenoiei tade*) (*Wars* 8.18.18; cf. *Buildings* 2.3.8; 2.4.24), and cf. L. M. Whitby, 'Pride and Prejudice in Procopius' *Buildings*: Imperial Images in Constantinople', *Antiquité Tardive* 8 (2000), 59–66 for comparable sentiments.

Sandil's remonstrance is not another example of judgements on the emperor being put into the mouths of foreigners,¹⁹ but serves almost as a demonstration of the efficacy of the Roman policy. Menander's retrospective judgement on Justinian's diplomacy is positive: it was the best approach in the circumstances (5.1.17–26). The only clear exception to this disregard for Roman dishonesty occurs in Theophylact, who on three occasions represents Maurice as guilty of breaking treaties or otherwise causing conflict on the Danube in the late 590s (7.10.5–8; 7.15.12–14; 8.2.1); this surprising criticism of an emperor, whom he otherwise presented positively, probably reflects views at Constantinople about maintaining some stability in Balkan relations in the late 620s when Theophylact was composing.²⁰ Overall there is little evidence for respect or trust in Roman dealings with European neighbours: deceit was a way to avert war, or to reduce its impact when it inevitably came, and diplomacy had to contribute to achieving these important benefits; scrupulous adherence to agreements and obligations would not have brought much advantage in this ever-changing arena.²¹

By contrast, in the East it is clear that Rome and Persia accepted each other's existence as enduring political units, and accorded each other a rough equivalence of status. Here where there was less opportunity for 'defensive' diplomacy on the European model, there was conversely a greater impetus for the establishment of regular procedures; diplomatic relations evolved, as opposed to *ad hoc* diplomatic activity. By the sixth century there were formalised arrangements, as the evidence of Menander in particular reveals. But the equivalence reflected in diplomatic formalities should not be confused with full equality, and even if some treaties are described as being made 'on equal terms',²² such characterisations need to be assessed in the context of the prevailing personal competition between the respective rulers, and through them their states. References to equal treaties are not straightforward: in Menander (20.2.33) and Theophylact (3.17.2), peace on equal terms is tantamount

¹⁹ For this practice, see Cameron, *Procopius*, 142–3; I used to believe that this applied here: Whitby, *Maurice*, 80.

²⁰ Whitby, *Maurice*, 335; so too Agathias' opposition (5.14.1–5) to, and Menander's support for, Justinian's diplomacy reflect contemporary views of the bellicose Justin II and the early part of Maurice's reign respectively.

²¹ Blockley, *Policy*, 158, for the greater difficulties in reaching stable agreements in Europe; cf. also E. Chrysos, 'Byzantine Diplomacy, A.D. 300–800: Means and Ends', in Shepard and Franklin, *Diplomacy*, 25–39, at 29, though he regards 'the end justifies the means' as a general principle.

²² For limits to 'parity': Lee, *Information*, 25. Blockley, *Policy*, 159–60, distinguishes the use of 'equal terms' language in treaties with Persia from the Roman supremacy which is evident in other dealings.

to the exchange of mutual gains and renunciation of payments (Menander 20.2.57–78); equal peace is a return to the *status quo ante*, and does not carry broader implications about the relationship of the empires. Perceptions of equality also differed. Hormizd took almost the opposite stance to his father Khusro (Menander 23.9.79–101): he refused to surrender territory since this would diminish his inheritance, whereas Khusro could envisage returning Dara because he calculated equality from a different starting-point. The agreement of 591 between Maurice and Khusro II, described by Theophylact as being ‘on equal terms’ (5.15.2), was seen differently in Persia since it had entailed the return of the captured Dara and Martyropolis and the transfer of significant territory in Transcaucasia; quite apart from the substantial gains made by the Romans Khusro II’s personal balance was in deficit, so it is not surprising that he wanted to recover territory as soon as an opportunity presented itself (*Chronicle of Seert* 11.70, *PO* 13, 1919, 499).²³

The language of diplomacy emphasised distinctions while claiming connections. The news of Justinian’s accession prompted the Persian king to respond in 529: ‘Kavadh, King of kings, of the rising sun, to Flavius Justinian Caesar of the setting moon’ (Malalas 449.19–20). The terminology chosen combined the natural fact that the east was ascendant in celestial matters, the result of the direction of the earth’s revolution, with overtones of the sun as the greater heavenly power and symbol of peace in contrast to the moon as the lesser light and representative of war;²⁴ the insult was nicely calculated.²⁵ Such competitive use of titulature is also evident in the correspondence of Shapur II and Constantius II,²⁶ and between legitimate kings and usurpers (Theophylact 4.7.7; 8.5). Recourse to equal language is a sign of need, as when Shiroe wrote to Heraclius in early 628, ‘From Kabates Sadasadasach [i.e. King of kings] to Heraclius the most clement Roman emperor, our brother. We send greatest greeting to the most clement Roman emperor our brother’ (*Chronicon Paschale* 735.5–7). In the depths of despair the normal expressions of supremacy were inverted, as in 590 when the

²³ Discussion in Whitby, *Maurice*, 304–7.

²⁴ On this symbolism, see G. Widengren, ‘The Sacral Kingship of Iran’, *Supplement to Numen* 4 (Leiden, 1959), 242–57, at 250. Kavadh in fact initiated hostilities in 527, as the subsequent letter attempted to justify.

²⁵ R. Scott, ‘Diplomacy in the Sixth Century: The Evidence of John Malalas’, in Shepard and Franklin (eds.), *Diplomacy*, 159–65, at 160 describes the message as a polite rejection of Justinian’s request for peace; I would prefer to call it civilised rudeness.

²⁶ ‘I, Shapur king of kings, partner of the stars, brother of the Sun and Moon, to my brother Constantius Caesar, greetings; ‘I, Constantius, victor by land and sea, perpetual Augustus, to my brother Shapur, utter the fullest greeting’ (Ammianus 17.5.3, 10).

exiled Khusro II begged to be restored to his throne: 'Khusro, king of Persians, greets the most prudent king of the Romans, the beneficent, peaceful, masterful, lover of nobility and hater of tyranny, equitable, righteous, saviour of the injured, bountiful, forgiving ... These words which I write, do I, Khusro address to you as if I were in your presence, I Khusro your son and suppliant' (Theophylact 4.11.1, 11). Conversely in 614/15 senior Roman officials wrote to Khusro on behalf of Heraclius, whom Khusro did not recognise as legitimate, to explain why normal diplomatic procedures had been overlooked in the confusion of the Roman state at the end of Phocas' regime and to urge Heraclius' respect for the Persian king (*Chronicon Paschale* 707.1–709.24): towards the end of the letter Roman subordination is succinctly stated, 'We beg too of your clemency to consider Heraclius, our most pious emperor, as a true son, one who is eager to perform the service of your serenity in all things' (*CP* 709.14–17).²⁷ This message was dispatched after the Persian commander at Chalcedon, Shahin, had discoursed on the advantages of concord and the unfortunate consequences for both states of continued war (Nicephorus ch. 6.16–43).²⁸

Similar considerations should affect our interpretation of the rhetoric of co-existence and co-operation which took shape during the period of almost interrupted mutual peace in the fifth century. This rhetoric portrayed the empires as the two eyes or lights of the world, with an obligation of mutual assistance in time of need: 'God effected that the whole world should be illumined from the very beginning by two eyes, namely by the most powerful kingdom of the Romans and by the most prudent sceptre of the Persian state. For by these greatest powers the disobedient and bellicose tribes are winnowed and man's course is continually regulated and guided' (Khusro II in 590: Theophylact 4.11.2–3); 'It is clear to the race of men that the Roman and Persian empires are, as it were, two lamps; as with eyes, each one should be adorned by the brightness of the other, and not be constantly seeking the destruction of each other' (Narses' ambassador in 298: Peter the Patrician fr. 13).²⁹ Although this

²⁷ Cf. Chrysos, 'Diplomacy', 36–7, though the instability of the usage needs to be stressed.

²⁸ On returning to Persia, however, Shahin arrested the ambassadors whom he was escorting and delivered them in chains to Khusro: Nicephorus ch. 7.11–15.

²⁹ Discussion in Whitby, *Maurice*, 204–6. In Peter, the Persian speech is met by an aggressive response from Galerius, who proclaims the traditional Roman duty to spare subjects and conquer enemies. Chrysos, 'Diplomacy', 27 takes this as a reflection of one aspect of Justinianic thinking about foreign relations, but this is to ignore the context in Peter: Galerius was notorious as a persecutor, and Peter portrays him as overcome by anger and contemptuous of the mutability of human fortune, which suggests that his opinions were not being presented positively.

rhetoric is, inevitably, preserved in Roman historians, there is no good reason to doubt its authenticity. Theophylact plausibly presents Khusro's plea as a verbatim transcript (4.10.11), and the sentiments, if not the imagery, are present in Kavadh's letter to Justinian whose opening was quoted above: 'We have found it written in our ancient records that we are brothers of one another, and that if one of us should stand in need of men or money, the other should provide them' (Malalas 449.20–450.3).³⁰ In Peter the Patrician the imagery occurs in a speech attributed to a Persian ambassador; Peter undoubtedly invented the speech, but his experience of Eastern diplomacy made him an expert in the appropriate language.

The currency of this rhetoric is demonstrated by its invocation beyond strictly imperial diplomatic exchanges. A synod of Persian Christians at Ctesiphon in 420 described the empires as the two shoulders of the world,³¹ in the context of an embassy to the Romans to secure peace and reconciliation between the two realms that support the world. In Faustus of Byzantia (4.44) an Armenian refers to the Persian king and Roman emperor as the two mountains of the world. In the wider context this rhetoric may have raised hopes of stable and peaceful relations between the states, but when deployed by rulers it invariably had a specific purpose. In 298 Galerius had defeated and captured the Persian royal harem, whose return was a priority for Narses, while in 590 Khusro had been forced to flee Ctesiphon and seek refuge in Roman territory: the imagery of equality was intended to strengthen a request whose underlying substance was weak. Kavadh followed the rhetoric of brotherhood with a demand for money, referring to failed requests to Anastasius and Justin, and giving one year's notice of an invasion if he was refused (Malalas 450.3–15). A few years earlier Justin I had exploited fraternal language when the Hunnic leader named Zilgibi, whom he had secured as an ally, was attracted into Persian service to campaign against the Romans; Justin wrote to Kavadh to warn him that Zilgibi had accepted Roman money to betray the Persians at the moment of battle (Malalas 414.17–415.21), explaining 'it is necessary for us, brothers as we are, to speak out in friendship and not be mocked by these dogs' (Malalas 415.8–10). When Zilgibi admitted his dealings with the Romans, Kavadh killed him and his followers; Justin had managed to

³⁰ Scott, 'Diplomacy', 160, notes that the Greek is much more sophisticated than Malalas' usual style.

³¹ S. P. Brock, 'Christians in the Sasanian Empire: A Case of Divided Loyalties', *Studies in Church History* 18 (1982), 1–19 at 7, quoting *Synodicon Orientale*, 37 (= trans. 277).

manipulate the mutual respect presumed to exist between the two sovereigns to undermine the Persians.³²

Such exchanges might seem implausibly chivalrous for relations between states with a long record of hostilities, but the personal reputations of respective rulers and their public perception did count in the rivalry between Romans and Persians: each side was playing to an international gallery, which was expected to be impressed by assertions of collegiality and even occasional demonstrations of co-operation. This rhetoric did not, of course, imply the existence of significant trust between the states; indeed its repeated manipulation suggests that both sides adopted a cynical approach, with self-interest pre-eminent and few altruistic concessions likely. One influential strand of modern scholarship, however, holds that whereas the Sasanids truly believed in co-operation the Romans did not fully accept the concept. This interpretation, however, rests heavily on the fact that the longest examples of this rhetoric are placed in the mouths of Persians by Roman historians, but this might just have been intended to emphasise the subordination of the Persians; also in the fifth century the Persians had good reason to promote co-operation for their own ends, since this might secure Roman financial help.³³ Both sides used and abused the ideal of collaboration when it suited them; the very subversion of the rhetoric by both Persians (e.g. Shahin) and Romans (e.g. Justin I) demonstrates that it was one of the diplomatic strategies available to competing rulers. The cosmic partners were also always fierce rivals,³⁴ and any argument might be deployed to obtain an advantage: thus Kavadh appealed to Justinian's religious beliefs when demanding money, since compliance would allow Justinian to act as a pious Christian and spare his subjects the horrors of war (Malalas 450.10–12).³⁵

³² There is an analogous story in Procopius, *Wars* 1.21.13–16, where Justinian manipulates Persian expectations about the loyalty of Hunnic allies, though on this occasion it is a Persian double agent who delivers the news to Kavadh and there is no need to exploit the notion of co-operation between rulers.

³³ Z. Rubin, 'Diplomacy and War in the Relations between Byzantium and the Sassanids in the Fifth Century AD', in P. Freeman and D. Kennedy (eds.), *The Defence of the Roman and Byzantine East*, BAR International Series 297 (Oxford, 1986), 677–95 at 679; followed by Braund, *Georgia*, 270; cf. also B. Isaac, *The Limits of Empire: The Roman Army in the East* (Oxford, 1990), 265–66.

³⁴ N. G. Garsoïan, 'Byzantium and the Sasanians', in E. Yarshater (ed.), *Cambridge History of Iran* (Cambridge, 1983), vol. III, 568–92 at 591; Garsoïan identifies 'a deep vein of contempt, and what was perhaps still more damaging, mutual contempt', behind the courtesies of diplomacy.

³⁵ Khusro's choice of the Christian Sebukht as ambassador in 572 might be a comparable instance: Menander 16.1.

The formal niceties of diplomacy, however, did not influence the standard language of Roman historiography, where deception and dishonesty are the standard traits of Persians. Joshua the Stylite contrasted the piety and honesty of Anastasius with the boastful greed of Kavadh (20–1), who broke agreements made at Edessa (62) and even arrested a Roman ambassador (50): Kavadh was seen to behave in unregal fashion, ‘Now we know that you are no king; for he is not a king who gives his word and deceitfully reneges. He who deceives is no king’ (61). Even unpopular emperors like Zeno acted generously towards the Persians (10). The contrast in Theophylact is equally stark:³⁶ Persians are duplicitous and bellicose, whereas good Roman emperors are moderate, generous and peace-loving – though a bad emperor like Justin II shares some characteristics with foreigners and, like them, cannot handle the vicissitudes of fortune.

Procopius, even if he was not particularly interested in the detailed mechanics of diplomacy,³⁷ still had ample opportunity to pass comment on Persian behaviour, in most cases negatively although there are different emphases as his views evolved during composition.³⁸ In *Wars* 1, at least, he represents Anastasius as accepting that the construction of Dara was an infringement which had to be talked away (1.10.17), accords space to Persian accusations about broken agreements (1.11.7–9, 14.5–6, 16.4–8), and avoids endorsing Roman suspicions about alleged Persian deceit in the adoption negotiations whose mishandling precipitated war in 527 (1.11.10–30); he also preserves the story of Yazdgard’s guardianship over Theodosius II (1.2: see further below). On the other hand Kavadh went to war in 502 ‘for no just cause’ (1.7.2), arrogance, *alazonēia*, is said to be innate for Persian officials (1.11.33), and the consequences of Khusro’s unruly character are noted (1.23). Even the Persian complaints are set in contexts where their force is dissipated: Kavadh’s harangue (1.11.7–9) provides some justification for Roman caution about his adoption request; before Persian complaints are noted in chapter 14, it has already been made clear that the Romans are serious about peace talks (14.3–4; also 1.13.11); in chapter 16 Kavadh’s tirade (1.16.4–8) terminates Rufinus’ attempt to open negotiations.

³⁶ Whitby, *Maurice*, 331–2.

³⁷ Malalas is much fuller on the negotiations of 529–32 which produced the Endless Peace: see Scott, ‘Diplomacy’. Chrysos’ judgement (‘Diplomacy’, 31) that Byzantine ‘sources seldom speak of the ambassadors’ certainly does not apply to the fifth and sixth centuries.

³⁸ Cameron, *Procopius*, 238, warns of the dangers of taking passages at random to indicate Procopius’ attitudes, which is why a general survey is essential.

In *Wars* 2 there is a much starker contrast between Justinian who strove first to avert war, and then to terminate it on reasonable conditions, and the deceitful (2.1.1), jealous (2.2.12) and aggressive (2.3.54–5) Khusro; this criticism is maintained throughout the book, with frequent mention of Khusro's anger and duplicity – indeed one occasion when Khusro keeps an agreement merits notice (2.12.34). Khusro is too stupid and overconfident to understand a rebuke about his unregal behaviour (2.6.18–20). Although Procopius brought out similarities between Khusro and Justinian,³⁹ the 'parallel' plots (*Wars* 1.23–4) are introduced very differently, since Khusro thoroughly deserved to be challenged because of his unsuitable character, whereas the threat to Justinian broke unexpectedly (1.24.1). There is no substance to the notion that some link between them was meant to be displayed in *Wars*: the passage where Khusro blames Justinian for the renewed conflict is placed in the context of a thorough critique of Khusro's own duplicity, trickery and insincerity (2.9.8–12).⁴⁰ Procopius did use some similar vocabulary for the two rulers, but this is because the negative characteristics of Khusro in the *Wars* are applied to Justinian in the *Secret History*; this was not a comparison which Procopius expected the readers of *Wars* 2 to make.⁴¹ In book 8 Procopius was more disillusioned, but the Persians are still portrayed negatively: Khusro is inhumane and precautions have to be taken against his treachery, while the envoy Yazdgusnasp is pretentious and boastful (8.10.8, 8.15.5, 8.11.4). Procopius does record grumbles about Justinian's policies, but notes the qualification that they may be unjustified 'as those of subjects are' (8.15.13). He stresses that repeated Persian invasions had, on balance, been unprofitable (8.7.2), a surprising interpretation which is not prompted by the immediate context. Procopius presented international conflict, to a significant extent, as a matter of personal rivalries, an approach supported by the limited diplomatic records.⁴² In this rivalry Justinian comes out well, being compared to the founder of the Achaemenid Persian dynasty, Cyrus the Great (*Wars* 2.2.15), just as he is in the panegyric *Buildings* (1.1.12–16).

³⁹ *Ibid.*, 163.

⁴⁰ Contra Cameron, *ibid.*, 165, who claims that Procopius presents an 'express connection' between the rulers.

⁴¹ Cameron, *ibid.*, 163, notes the similar vocabulary but not the crucial difference of context. Antony Kaldellis, *Procopius of Caesarea: Tyranny, History, and Philosophy at the End of Antiquity* (Philadelphia, 2004), 209, restricts the accusation of deception to the last part of Khusro's speech, but this is contrary to the thrust of the passage: see Whitby, 'Religious Views', at n. 48.

⁴² Contrast the complaints of Cameron, *Procopius*, 168–9; international competition in the modern world also suggests that Procopius' approach is pertinent.

The personal competition of rulers was underpinned by competition between their respective emissaries. This is apparent in the long account in Menander (6.1) of the negotiations for the fifty years' peace in 561 where the Roman envoy, the *magister officiorum* Peter the Patrician, and the Persian Yazdgusnasp, the Zikh, exchange speeches. The debate might be dismissed as standard historiographic invention, but Menander used Peter the Patrician's detailed account of proceedings and knew enough about diplomacy to identify self-serving distortions in Peter;⁴³ he claimed verbal accuracy for his own version, apart from corrections to Atticise unsuitable language (6.2). Formal rhetorical displays remained an important aspect of late Roman diplomacy, and ambassadors might be chosen for their education (e.g. Priscus 2.18–20) as much as for their status, experience and prior contacts. Even though the contents of speeches would be carefully rehearsed, oral exchanges could result in unwanted concessions and ambassadors had constantly to be on the alert: in the late 560s the Roman ambassador John was manoeuvred into providing evidence for the validity of Persian claims to Suania, for which he was subsequently reprimanded by Justin II (Menander 9.1.108–16; 9.2), but Justin then managed to outwit the Persian ambassador Mahbodh in exchanges about Arab allies (Menander 9.3.30–118, esp. 92–118).⁴⁴ By the middle Byzantine period such speeches may have been replaced by letters,⁴⁵ which allowed rulers to retain greater control over developments.

Blockley proposed that Menander intended to show up the bombastic pretensions of Peter while acknowledging the superior cleverness and negotiating skill of the Persian,⁴⁶ an emphasis which would distinguish Menander from other late Roman historians. Peter does come across as a windbag, but his presentation of the benefits of peace and the various costs of warfare harks back to the letter which Justinian sent to Khusro in a last attempt to avert hostilities in 540 (Procopius, *Wars* 2.4.17–25).

⁴³ One possible informant is his brother Herodotus, who probably served on an embassy to the Persians under Justin II: see L. M. Whitby, 'Greek Historical Writing after Procopius: Variety and Vitality', in Averil Cameron and Lawrence Conrad (eds.), *The Byzantine and Early Islamic Near East*, vol. 1: *Problems in the Literary Source Material* (Princeton, 1992), 25–80 at 41. R. C. Blockley, in Blockley (ed. and trans.), *The History of Menander the Guardsman* (Liverpool, 1985), 10, is reasonably confident that Menander's speeches are not complete fiction.

⁴⁴ Blockley, *Menander*, 262 n. 108, states that Menander indicates that Justin knew some Persian, but everything could have been transmitted through the interpreter mentioned at 9.3.90.

⁴⁵ M. Mullett, 'The Language of Diplomacy', in Shepard and Franklin (eds.), *Diplomacy*, 203–16, though it might be noted that it was easier to depict a letter than a speech in the artistic evidence with which Mullett begins her analysis.

⁴⁶ Blockley, *Menander*, 11–12.

It also tackles long-standing Roman concerns that concessions to barbarians were counterproductive (noted above): in 561 Justinian was purchasing peace at a cost of 30,000 *nomismata* (416 pounds of gold) a year,⁴⁷ and Menander's historical efforts were encouraged by an emperor, Maurice, who was prepared to pay 100,000 *nomismata* each year for peace on the Danube. Justification might be needed: Peter addressed contemporary scepticism, while two decades later Menander chose to include the speeches since they were relevant to his intellectual audience in Constantinople which might need a reminder of the advantages of negotiated peace.

Peter may be allowed to display his own pompous character, but to accept that Yazdgusnasp or the Persians, in general, are favourably portrayed ignores the complexities of Menander's literary presentation. This is an example of a Persian being accorded plausible arguments, whose specious appeal is undercut by the specific language used as much as by the context,⁴⁸ and can be paralleled in Late Antiquity in Theophylact's treatment of Persian negotiators (1.15).⁴⁹ At the start of this speech Yazdgusnasp is presented as *deinotatos*, 'very clever',⁵⁰ one who had the ability to say succinctly what was necessary (6.1.100–1). But when he accuses Peter of *kompsologia*, arrogant speech, especially in the context of disparaging remarks about Roman cowardice and disgrace which Menander's audience is unlikely to have accepted,⁵¹ the fact that *kompsos* is a standard word for bragging Persians might have been recalled. Indeed, after the end of the debate with Peter, Menander applies this very term to Yazdgusnasp along with another common term for Persian arrogance, *megalauchein*, 'to exult' (6.1.203–4); it is then repeated (*kekompsuetai*) in conjunction with *megalegoria*, 'big talking', to describe Yazdgusnasp's claims (6.1.211–12). Yazdgusnasp's accusation that the Romans were concealing their disgrace resulting from the sack of Antioch behind the peace initiative underlines his triumphalism, and his assertion that Persians are not elevated to haughtiness, *pros ogkon* (6.1.119), another loaded expression, has already been shown up by

⁴⁷ And payments for the first seven years, i.e. almost 3,000 pounds of gold, had to be transferred in advance.

⁴⁸ This historiographical technique can be traced right back to the Plataean debate as presented by Thucydides (3.61–7), where the plausibility of the Theban argument is undermined by its context. For an example in Peter the Patrician, see n. 29 above.

⁴⁹ Whitby, *Maurice*, 332.

⁵⁰ Better than Blockley's 'extremely intelligent'; cf. Procopius, *Wars* 2.9.8, for its hostile application to Khuro. However, *deinos*, especially if used in the simple form, need not have negative connotations for Menander (e.g. 10.1.44).

⁵¹ The structure of the complaint recalls the haughty Persian letter to Belisarius at Procopius, *Wars* 1.14.5–6.

Peter's sober warning not to let themselves be elated by such successes:⁵² God had permitted the capture of Antioch as punishment for the Romans' excessive good fortune (6.1.36–40).⁵³ Peter may be bombastic, but his moderate arguments for peace would have struck a chord; a contemporary military treatise stated that negotiations for peace may be the lesser of two evils.⁵⁴ By contrast, the second half of Yazdgusnasp's speech is a succinct demonstration of the arrogant boasting which he claims is alien to the Persian character. The negative impression of Persians is reinforced after this exchange, first by the reference to the monastery of Sebanus which, contrary to agreement, the Persians did not demolish or surrender (6.1.155–62),⁵⁵ then by the arrogant superscription to Khusro's ratification of the peace (6.1.179–83),⁵⁶ and finally by Yazdgusnasp's further boasting (6.1.203–13). Peter, however, appositely deployed the parable of Sesostris, a warning against arrogance (*alazoneia*) in good fortune,⁵⁷ and restrained the Persian's *megalegoria* (6.1.213–38). Close attention to Menander's choice of vocabulary is essential if his message is to be identified.

Yazdgusnasp is not the only boastful Persian ambassador: his successor in negotiations with the Romans, Mahbodh, is even worse but his arrogant pretensions and exalted self-esteem (9.3.30–7) are punctured by Justin's sharp responses which dumfounded the Persian (9.3.72–4, 85–8).⁵⁸ This negative image is the dominant impression of Persians in Menander, who recorded the arrogance and shamelessness of Khusro (23.1.33) and the brutality and boasting of Hormizd (23.9.80, 102).⁵⁹ Few Persians are presented favourably, the main exceptions being the unnamed Persian envoy who behaved bravely at the Turkish court (10.3.85), and the moderate Sebukht, a shrewd man (*agchinous*) and

⁵² Cf. 13.5.9, 16.1.24–5 for the foolish elation of Justin II.

⁵³ Menander may here be replying to Procopius' admission that he could not explain why God had permitted the loss of Antioch (*Wars* 2.10.4–5).

⁵⁴ Anon. *Peri Strategikes* 6 (23.25–9, Dennis); cited by J. Haldon, "'Blood and Ink': Some Observations on Byzantine Attitudes towards Warfare and Diplomacy", in Shepard and Franklin (eds.), *Diplomacy*, 281–94 at 283, observing that intelligent Romans were prepared to accept negotiation as a lesser evil than disadvantageous conflict.

⁵⁵ And Menander goes out of his way to stress that the Persians had captured it in breach of a treaty.

⁵⁶ 'The sacred, good, father of peace, ancient Khusro, king of kings, fortunate, pious, doer of good, to whom the gods have granted great fortune and a great kingdom, giant of giants, whose image is from the gods, to Justinian Caesar, our brother'. Menander states that Justinian's response lacked such an opening (6.1.200–1), an indication that he had not indulged in the common formulae of competitive greeting.

⁵⁷ Cf. Procopius, *Wars* 1.11.33, for this quality as inbred in Persian officials.

⁵⁸ Cf. 23.1.12 for his hybris.

⁵⁹ This is comparable to his treatment of Avar and Turkish leaders: e.g. 12.5.48–50; 12.8.2, 6; 19.1.91.

a Christian, whose fair and reasonable words failed to deflect the vain posturing of Justin (16.1.26–57).

Thus Menander's depiction of the Persians is in line with most late Roman historians. Against this background of suspicion and hostility it is necessary to consider a few exceptional occasions when the Romans might appear to have acted in ways that suggest they were prepared to trust the Persians. The first is Procopius' account of Yazdgard's guardianship for Theodosius II (*Wars* 1.2.1–10), undoubtedly the most striking example of international confidence in Late Antiquity. Agathias had serious reservations about this story, even if he could not absolutely disprove it (4.26.3–5); his doubts have been shared by most modern scholars, though not by Greatrex who shows that, if the story were true, a plausible role in raising the infant emperor can be assigned to Antiochus the Persian eunuch.⁶⁰ The involvement of the *cubicularius* in such matters is unsurprising, but it is possible that Antiochus' nationality gave rise to stories about a wider Persian interest, especially if Yazdgard wrote to the new Roman monarch in the paternal way evident in some exchanges between subsequent rulers: Antiochus is more likely to explain Yazdgard's appearance in the story than vice versa. In Procopius the episode is located immediately after the historiographical introduction in 1.1 and provides readers with an opening impression of the potential for trust in Roman–Persian relations; Yazdgard's honourable behaviour is then underlined by the following story of Vahram's respect for the Roman ambassador Anatolius (1.2.11–15). Contemporary suspicions, largely justified for Procopius by repeated Persian dishonesty, are contrasted with this remote golden age of the early fifth century.⁶¹ Joshua the Stylite also saw the past as a time when relations were well regulated (8–9), in contrast to the aggression of Kavadh: a treaty providing for mutual assistance of men or money existed which the Romans did not need to exploit since they had God on their side, but they accepted Persian requests because they provided protection against Hunnic depredations.

⁶⁰ G. Greatrex and J. Bardill, 'Antiochus the *praepositus*: A Persian Eunuch at the Court of Theodosius II', *Dumbarton Oaks Papers* 50 (1996), 171–97. Greatrex shows that the story is hypothetically possible, rather than necessary; serious implausibilities remain, namely that the relatively young Arcadius would designate a foreign guardian for his son several years before his own death, and that the Constantinopolitan hierarchies who had dominated Arcadius' early years should have accepted a complete outsider – Antiochus would have needed local knowledge and contacts to sustain his influence. See also Kaldellis, *Procopius*, 65–7.

⁶¹ For detailed discussion of the various stories which preface the military account in Procopius, *Wars* 1, see Kaldellis, *Procopius*, ch. 2, who attempts to construct a Platonic structure to the sequence; for doubts about this, see Whitby, 'Religious Views', n. 10.

There are two occasions when the Romans might have treated Persian requests for help with a generosity which could suggest a significant level of trust. The first, Maurice's decision in 590 to assist Khusro II's restoration with an army, is narrated by Theophylact with much diplomatic rhetoric about the need for international co-operation between established rulers. This undoubtedly was the public presentation of the decision once agreement had been reached. However, when the matter was discussed in the imperial council it was argued strongly, by the Patriarch John Nesteutes among others, that the Persians should be left to weaken themselves.⁶² Far from being moved by humanitarian considerations, the imperial council was probably convinced that the exiled Khusro could be coerced into returning Dara and Martyropolis quickly, whereas the usurper Vahram would consolidate his power unless he was promptly challenged and then have no reason to reward the Romans. Support for the legitimate Khusro was the best way to secure immediate Roman interests and might leave Persia seriously weakened: disorder indeed continued in the north-east during Khusro's first decade. This reasoning would be in line with the decision of Anastasius in 501/2 when Kavadh had requested money to pay off the Hephthalites (Procopius, *Wars* 1.7.2). In 590 self-interest was probably dressed up in a principled garb, a recognition that the rhetoric of co-operation had some value.

The other occasion was in 629 when the Persian general Shahvaraz agreed to withdraw his army from Syria and Egypt in return for military support from Emperor Heraclius in a projected attempt on the Persian throne. According to Nicephorus (ch. 17.11–13), Shahvaraz agreed to return all Roman territory still in Persian hands, though the *Chronicle of 724* (147.18–24) specifies that the Euphrates was fixed as the frontier, which would have entailed the surrender of a massive swathe of Roman territory in Mesopotamia and Armenia – cities such as Edessa, Amida and Dara, as well as prosperous provinces. This extraordinary generosity is accepted by some,⁶³ although the only precedent for such a transfer of territory was Jovian's settlement of 363 and even in this major humiliation the Romans had managed to hang onto the population of Nisibis

⁶² John of Nikiu 96. 11–12 for the moral argument against assisting a parricide; Sebeos ch. 11 (Thomson and Howard-Johnston).

⁶³ J. D. Howard-Johnston, 'Heraclius' Persian Campaigns and the Revival of the East Roman Empire, 622–630', *War in History* 6 (1999), 1–44 at 28; now reprinted in J. Howard-Johnston, *East Rome, Sasanian Persia and the End of Antiquity* (Aldershot, 2006).

and other areas being surrendered.⁶⁴ The *Chronicle* may just have made a mistake,⁶⁵ but the reference to the Euphrates is explicable: whereas Armenia was already under Roman control, Heraclius was now concerned to clear the Levant of Persians, and in this region the middle and lower Euphrates below Circesium was the traditional line of demarcation.

Romans and Persians knew each other too well to indulge in displays of excessive generosity or exceptional trust, and the historiographical tradition represented the level of mutual suspicion in the sixth century quite accurately. But, with the possible exception of the crisis of Heraclius' reign when Persian successes briefly suggested that the Roman Empire might be vulnerable, both sides also recognised that their neighbour existed with a stability which entailed that dealings would have to continue in the long term. Thus Jovian, after extricating his army from Persia under treaty, felt obliged to honour the terms of the agreement, in spite of opposition from the inhabitants of Nisibis. Although precedents could be cited for Romans disregarding dishonourable treaties (Samnites and Numantines: Eutropius 10.12; Ammianus 25.9.11), Jovian proclaimed that he had no wish to be a perjurer (Malalas 336.19–21); he may also have considered the wider disadvantages of such an open breach of a treaty with Persia. Short-term advantages might be seized, but there might also be public benefits in declining to press opportunities to the limit, as in 574 when Khusro heard that the loss of Dara had driven Justin II insane: 'By taking the initiative, the Persian king removed the disgrace in advance and while they cowered mentally he devised an excuse for them to enter discussion and beg for peace' (Menander 18.1.11–14). Although Menander was critical of Khusro's arrogant tone, the fact remains that the Romans secured an essential breathing space during which they managed to rebuild their eastern defences with considerable success. This was one of the occasions on which a limitation to the geographical scope of fighting was agreed, with Armenia excluded from the armistice in the East (Menander 18.2.10–11). In 551 Justinian had accepted a five-year truce which covered the East and Armenia, but conflict was allowed to continue in the disputed region of Lazica (Agathias 2.18.3). The ability of the two empires to specify the permitted arena for warfare reflects the maturity of their relations, although the detailed application of such

⁶⁴ Subsequently Romans also claimed that the surrender was only to last for thirty years, the duration of the treaty.

⁶⁵ G. Greatrex and S. N. C. Lieu, *The Roman Eastern Frontier and the Persian Wars, Part II AD 363–630* (London, 2002), 227.

armistices could give rise to disagreements: in 578, at the end of the four-year moratorium on fighting south of Armenia, the Persians appear to have invaded Mesopotamia while the Romans believed that the truce still had forty days to run (Theophylact 3.15.11; Menander 23.1).⁶⁶

The structural stability of relations forced both empires to move laterally to further their competition. The war of 502–6 had demonstrated the difficulties of direct confrontation in Mesopotamia, where even the capture of such a major frontier city as Amida did not produce a substantial advantage for the Persians. This conflict had also undermined the force of the rhetoric of co-operation which had developed during the long periods of peace in the fifth century; Anastasius' decision to sanction major building works near the frontier in contravention of previous agreements both reinforced suspicions and solidified the tactical position in upper Mesopotamia. Whereas in the early imperial period the frontier can be described as 'a thing of shadows',⁶⁷ extended competition with the Sasanids had led to much clearer definition through the development of fortifications and the exploitation of religious loyalties. From the early sixth century through to the Arab invasions Roman diplomacy in the east attempted to create with regard to Persia the more multifaceted conditions present on the Danube frontier. This was not a grand imperial plan but opportunism, an instinctive response to various chances to nurture contacts and construct international networks which might affect the Persians. Rulers of the Laz and Huns were honourably received in Constantinople and baptised in the 520s, and Lazica was an area which the Romans remained keen on controlling; the Axumites were encouraged to promote Christian interests in Arabia, Arab clients were courted – not only the Ghassanids but also the Lakhmids. Eventually contacts with the Turks offered Justin II a genuine second front on Persia's north-eastern border which earlier diplomacy with the Hephthalites had failed to achieve, although the results did not meet expectations. In the 620s Turkish soldiers were brought over the Caucasus to aid Heraclius.

This extension of Roman–Persian rivalry was reflected in the competitive behaviour of their diplomats. The confrontation between Peter and Yazdgusnasp in upper Mesopotamia was also played out in Central Asia at the court of the Turkish Chagan, where Zemarchus rebutted the assertions of Persian envoys that the Romans were their tributaries by

⁶⁶ Whitby, *Maurice*, 268–9.

⁶⁷ F. G. B. Millar, 'Paul of Samosata, Zenobia and Aurelian: The Church, Local Culture and Political Allegiance in Third-Century Syria', *Journal of Roman Studies* 61 (1971), 1–17 at 1.

demonstrating Persian fear of a statue of Emperor Trajan (John of Ephesus 6.23).⁶⁸ With regard to the Turks, the Persians had no compunction about implementing their own 'dirty tricks': although an initial embassy from the Turks to secure permission to sell silk was treated with complete honesty even when being insulted,⁶⁹ on the next embassy most of the Turks were poisoned to suggest that the climate of Persia was hostile to them (Menander 10.1.33–47). Sizabul's suspicions of Persian dishonesty are matched by Turxanthus' harangue against the Romans (19.1.50–90). The Turks are similar in this respect to the Arabs. The deception used by the Romans to capture al Mundhir has already been noted; this is paralleled by Khusro II's treatment of the Lakhmid Nu'man, who was first dishonoured at a feast and then entrapped after an interpreter had sworn on the Gospels to Khusro's good faith (*Khuzistan Chronicle* 9).⁷⁰ One thing on which Mahbodh and Justin II agreed in a tense interview was their contempt for the Arabs (Menander 9.3.99–110).

Different behaviour was appropriate when dealing with the more stable and established states of the eastern frontier, and this is the background for assessing Justinian's demonstration to the Laz of Roman respect for law. Romans and Persians both recognised that they had significant common interests, even if these were rarely enough to overcome the intense competition that persisted between the two great powers. For its internal audience Roman historiography displayed an eagerness to denigrate its enemies, and it would be surprising if stories about the Romans that circulated at the Sasanid court were much different. But for international consumption, integrity and good faith were on public display. Emperors insisted that they were obliged to respect the wishes of foreign suppliants in response to Persian requests to return fugitives: Georgian defectors from Persia demanded secure pledges from Justin I (Procopius, *Wars* 1.12.5), and these were upheld when the emperor refused Persian demands to surrender them (Malalas 414.6–15); Tiberius 'had considerable regard for Emperor Justin's oaths to the Persarmenians and to those Georgians who had changed sides' (Menander 20.2.47–9). Alleged breaches of agreements were publicised. Before the battle of Dara in 530 Belisarius attached to his banners the letters which demonstrated the Romans' desire for peace and Persian bellicosity (Procopius, *Wars* 1.14.10). Persian kings reciprocated: in 573 Khusro I's army marched up the Euphrates and Khabour rivers

⁶⁸ This may be the occasion recorded by Menander, 10.3.73–89, although he only refers to Turkish accusations against the Persians.

⁶⁹ Khusro purchased their silk before burning it: Menander 10.1.20–6.

⁷⁰ Translation in Greatex and Lieu, *Frontier*, 231–2.

preceded by a standard on which was pinned the text of the treaty broken by Justin II, while in 603 Khusro II appeared in the eastern provinces as the avenger of his benefactor Emperor Maurice and supporter of a refugee who was presented as Maurice's eldest son Theodosius (*Khuzistan Chronicle* 10).⁷¹ The image which rulers wanted to project was sufficiently well known to be turned against them by outsiders: in 484 the Hephthalite leader went to meet the invading Persians with the salt on which Peroz had sworn peace suspended from a pole (Procopius, *Wars* 1.4.9). A reputation for honesty, fair dealing and respect for agreements could contribute to the complex diplomacy of the eastern frontier;⁷² in some quarters rulers had to act in keeping with this image, as the Laz experienced when witnessing the trial of John and Rusticus.

⁷¹ Translation *ibid.*, 232.

⁷² Haldon's judgement in 'Blood', 288–9, that Byzantium's European frontiers were more 'fruitful' for the operation of divisive diplomacy than the more stable east is relevant to the Middle Byzantine period, after the Arabs had conquered the whole borderlands from the Levant to Transcaucasia. In Late Antiquity there was sufficient diversity on the eastern frontier to permit effective diplomatic scheming.

8 Treaties between Byzantium and the Islamic world

Catherine Holmes

In 958 a Byzantine fleet suffered a serious defeat in the waters off Sicily. Shortly afterwards the Byzantine emperor Constantine VII Porphyrogenitus sent an envoy to Kairouan in modern-day Tunisia to negotiate a truce with the victors in that naval battle, a Muslim Shi'a dynasty called the Fatimids. The envoy arrived with a suppliant attitude, a humble letter and a desperate plea for a peace treaty. The caliph al Mu'izz greeted the Byzantine embassy with a perfect articulation of standard Islamic attitudes to peace with the non-Islamic world:

Religion and Islamic law prevent the grant of a perpetual treaty because Allah has sent his envoy the Prophet Mohammed ... to invite the world to adopt his religion and to make holy war on those who oppose until they embrace Islam, unless they pay the *jizya* ... thus putting themselves under the authority and protection of the Muslims. Peace [otherwise] is only permitted for a fixed time ... in the interests of Muslims and religion.

The envoy then asked al Mu'izz to prolong the temporary peace which had hitherto existed between Byzantium and the Fatimids. Despite the fact that it was actually the Byzantines who had broken the original truce, al Mu'izz agreed.¹ Al Mu'izz's willingness to broker a truce with the Byzantine Empire clearly illustrates a more general point: that while *jihad* was a religious obligation for Muslims, the injunction that peace was permissible if it was in the greater service of Islam meant that there was considerable room within the medieval Islamic world for the making of truces with non-Muslims.

As I shall outline shortly, truces between Muslims and non-Muslims, including the Byzantines, date from the very earliest stages of Islam's

¹ Translation adapted from A. Vasiliev, *Byzance et les Arabes*, 3 vols. (Brussels, 1950–68), vol. II/1, 421. The chronology of this period of Byzantine–Fatimid relations is pieced together from Arabic and Byzantine texts by S. M. Stern, 'An Embassy of the Byzantine Emperor to the Fatimid Caliph al-Mu'izz', *Byzantion* 20 (1950), 239–58. The Greek tradition mentions the embassy but not the defeat which preceded it; I. Bekker (ed.), *Theophanes Continuatus* (Bonn, 1838), 455.

development, and indeed offer one explanation for the rapid expansion of Muslim power in the seventh and eighth centuries. But truce-making by Muslims with non-Islamic peoples and states was not only an expansionary tool; it could also be a more defensive and preservative mechanism, particularly in periods when Muslims found themselves under pressure, as was increasingly the case from the tenth century onwards. It is this second dimension of truce-making by Muslims with non-Muslims which will be covered most fully here. Central to the discussion will be the making of peace between the Byzantine Empire and its Muslim neighbours during the tenth and early eleventh centuries, a period when Byzantine armies occupied Muslim-held territory in northern Syria and Mesopotamia. This region and period have received relatively little attention from historians with an interest in the establishment of frontiers, the conduct of wars and the negotiation of peace between Muslims and non-Muslims in medieval contexts. This lack of attention is unfortunate because the encounter between Muslims and non-Muslims in this particular period and region can be reconstructed accurately and vividly using a wealth of pertinent evidence. What that evidence suggests is that the Byzantine occupation of northern Syria and Mesopotamia in this period was achieved through a series of tribute arrangements. Some tribute payments were highly formalised and were recorded in official treaties; others were much looser. Among the more formalised arrangements was the agreement of 969 between Byzantium and the emirate of Aleppo, and a treaty central to the discussion here. This document is important partly because of its rarity value; outside thirteenth- and fourteenth-century Iberia the original texts of very few treaties between Muslims and non-Muslims survive. However, it is also important in the sense that it can, if placed in the much wider political and diplomatic contexts supplied by other relevant source materials, offer conclusive proof that treaties and truces in this particular region and period were not devices which shackled their signatories to permanent, rigid relationships; instead they both reflected and helped to create a frontier which was typified by fluidity and uncertainty; a frontier where the likelihood of changing fortunes and loyalties was clearly anticipated and was as a result built into the very terms of the treaties and truces themselves.

As is well known, peace agreements between Muslims and other peoples date from the very beginning of the growth of Islam. Mohammed himself formulated pacts with both Christian and Jewish tribes in the Arabian peninsula. Those who were bound by treaties with Muslims in this way were obliged to pay a poll tax, known as the *jizya*, in return for Muslim protection. As protected peoples, they were known as *dhimmi* populations. Such arrangements leave traces in the

Koran itself.² This willingness to come to terms with protected populations was also undoubtedly an important factor in the rapid expansion of Muslim power after Mohammed's death. In those areas of the Byzantine Empire conquered by the Muslims in the 630s and 640s (Egypt, Palestine, Syria) the details of the terms agreed between the invaders and the indigenous peoples have to be pieced together from scraps of evidence or much later historical narratives.³ Undoubtedly the exact terms of each agreement varied from place to place, but in their basic essentials most arrangements of this sort probably resembled the Treaty of Tudmir drawn up in Iberia in 713 between Abd al Aziz, the son of the governor of the Umayyad caliph and Theodomir, a local Visigoth landowner. This treaty stipulated that in return for surrendering to Muslim power, ensuring the payment of a set annual *per capita* tribute and revealing any pertinent military intelligence, local Christians could keep their lords, their possessions and their religion.⁴ The result of such arrangements seems to have been that two varieties of rule typified Islamic Iberia in the early eighth century: while Muslim garrisons were stationed in the principal towns, other areas were ruled by local quasi-autonomous potentates.⁵ During the next three centuries of Islamic expansion and consolidation across vast swathes of the African and Eurasian land-masses, pacts with non-Muslim powers were common. Some conquered areas such as Armenia and Cyprus paid tribute while not actually being occupied by Muslim garrisons. Such regions were sometimes described as the *Dar al-Ahd*: the land of pacts.⁶ Temporary truces were even possible between the *Dar al-Islam* (the land of Islam) and the *Dar al-Gharb* (the land of war). During the upheaval of the mid eighth century when the Umayyad Caliphate in Damascus was supplanted by the Abbassids, truces were agreed with the Byzantine Empire.⁷ Occasional truces

² Sura 9.7 declares: 'those with whom you have made treaties at the sacred mosque, so long as they keep faith with you, keep faith with them'; Sura 9.12 asserts that war should only be countenanced if: 'after coming to terms with you, they [the pact makers] break their oaths'. N. J. Dawood (trans.), *The Koran* (London, 1997), 134.

³ W. Kaegi, *Byzantium and the Early Islamic Conquests* (Cambridge, 1992), 144–80.

⁴ For a translation of the text of this treaty see R. I. Burns and P. E. Chevedden, *Negotiating Cultures: Bilingual Surrender Treaties in Muslim Crusader Spain under James the Conqueror* (Leiden, 1999), 202–3; for further discussion R. Collins, *Early Medieval Spain, 400–1000: Unity in Diversity* (London, 1983), 39–44.

⁵ Collins, *Early Medieval Spain*, 44–5.

⁶ Kaegi, *Byzantium and the Early Islamic Conquests*, 191–204, 252–5; M. Canard, 'Deux épisodes des relations diplomatiques arabo-byzantines au Xe siècle', *Bulletin des Etudes Orientales de l'Institut Français de Damas* (1949–50), 62–3; W. Treadgold, *A History of the Byzantine State and Society* (Stanford, 1997), 378; for further discussion of the *Dar al-Ahd* see the annexe by M. de Epalza in Burns and Chevedden, *Negotiating Cultures*, 195–212.

⁷ M. Whittow, *The Making of Orthodox Byzantium* (London, 1996), 143.

punctuated Byzantine–Muslim relations in subsequent centuries. Sometimes such truces were agreed so that prisoners of war could be exchanged.⁸ Sometimes truces allowed each side to attend to pressing matters elsewhere. In 917 the Byzantines negotiated a very well-documented truce with the Abbasid caliph so that they could attack Bulgaria.⁹

In the later ninth and early tenth centuries Abbasid caliphate, with its centre of power in Baghdad, began to break up under the pressure of internal and external tensions. One of the results of this collapse was that for the first time in three hundred years Byzantine armies began to make significant territorial gains at the expense of the Muslims. The first substantial conquest was the Muslim forward attack base at Melitene in the Anti Taurus, which eventually fell to Byzantine armies in 934. At sea the islands of Crete and Cyprus were annexed during the 960s. In 965 the important frontier raiding emirate of Tarsus in Cilicia had fallen to Byzantine forces. By 970 Byzantine forces had broken through the Taurus and Anti Taurus Mountains, occupying Cilicia and much of northern Syria and northern Mesopotamia. The important city of Antioch was taken by Byzantine armies in 969 and became the most important centre for subsequent military operations by imperial forces. In 975 the emperor John Tzimiskes marched on Damascus and exacted a one-off tribute payment.¹⁰

In as much as historians have been interested in Byzantino-Muslim relations in this period, it has usually been in the military strategy, tactics and logistics which underpinned this Byzantine advance, or in the growth of the Fatimids, the Mediterranean Muslim power which eventually checked the Byzantine offensive in Syria.¹¹ Some attention has been paid to the new Byzantine administrative structures which were introduced into conquered territories, particularly those concerned with military and ecclesiastical power. In this case historians have constructed their

⁸ H. Kennedy, 'Byzantine–Arab Diplomacy', in J. Shepard and S. Franklin (eds.), *Byzantine Diplomacy* (Aldershot, 1992), 137–40.

⁹ *Ibid.*, 140–1; Whitrow, *Making of Orthodox Byzantium*, 316–17.

¹⁰ For a summary of this eastern advance see: Vasiliev, *Byzance et les Arabes*, vol. II/1, 261–307, 341–65; E. Honigsmann, *Die Ostgrenze des byzantinischen Reiches von 363 bis 1071, nach griechischen, arabischen, syrischen und armenischen Quellen* (Brussels, 1935), 72–102; Whitrow, *Making of Orthodox Byzantium*, 317–34. For Tarsus as a raiding emirate see C. E. Bosworth, 'The City of Tarsus and the Arab–Byzantine Frontiers in Early and Middle Abbasid Times', in *The Arabs, Byzantium and Iran: Studies in Early Islamic History and Culture* (Aldershot, 1996), no. 14.

¹¹ For the strategic and tactical underpinning to Byzantium's eastern advance see E. McGeer, *Sowing the Dragon's Teeth: Byzantine Warfare in the 10th Century* (Washington, D.C., 1995), 170–360; J. Haldon, *Warfare, State and Society in the Byzantine World 565–1204* (London, 1999), 181–9, 217–25. In 969 the Fatimids took control of Egypt and moved their seat of power from Tunisia to Cairo; on the growth of Fatimid power see M. Brett, *The Rise of the Fatimids: The World of the Mediterranean and the Middle East in the Fourth Century of the Hijra, Tenth Century c. E.* (Leiden, 2001).

models by pulling together the lead seals issued by Byzantine officials, a list of offices and dignities known as the *Escorial Taktikon* written in Constantinople c. 975, and references to Byzantine governance by local chroniclers writing in Arabic, Syriac and Armenian.¹² Much less attention, however, has been paid to questions which lie below the surface of administrative structures. The transfer of power from Muslim rule to Byzantine, and the role of relations between indigenous Muslims, eastern Christians and Byzantines in shaping the governance of conquered territories, are both topics which are only just beginning to be explored.¹³

It was while I was investigating the political and military history of the reign of the Byzantine emperor Basil II (976–1025) that my attention was drawn to the governance of the Muslim–Christian frontier in the Near East during this period of Byzantine territorial expansion. Basil II is, of course, most famous for his western rather than his eastern interests. Later generations recalled his thirty years of arduous and ultimately successful warfare against the Bulgarians when they attached the sobriquet ‘Bulgar-slayer’ to his memory.¹⁴ Undoubtedly Basil was less interested in the east than the west. Most of the campaigns he directed personally were targeted against the Bulgarians. He restricted imperially led expeditions against Muslims to two lightning raids against Fatimid-held positions in northern Syria in 995 and 999. While localised conflict occasionally flared up in the area around Antioch during the first half of his reign, after 1000 the eastern frontier territories were much quieter following a ten-year truce between the Byzantines and the Fatimids; this was renewed in 1010. Relations were certainly more strained after 1016 when the Fatimids occupied the northern city of Aleppo, close to Byzantine-held territory, but even then armed engagement was

¹² For the whole of the eastern frontier, see in the first instance N. Oikonomides, ‘L’organisation de la frontière orientale de Byzance aux Xe–XIe siècles et le taktikon de l’Escorial’, *Acts of the 14th International Byzantine Congress* 1971, 3 vols. (Bucharest, 1974), vol. 1, 285–302; Oikonomides, *Les listes de présence byzantines des IXe et Xe siècles* (Paris, 1972), 354–63; for a more detailed treatment of Antioch, K.-P. Todt, ‘Region und Griechisch-Orthodoxes Patriarchat von Antiocheia in mittelbyzantinischer Zeit (969–1084)’, *Byzantinische Zeitschrift* 94 (2001), 239–67.

¹³ G. Dagron, ‘Minorités ethniques et religieuses dans l’Orient byzantin à la fin du Xe et au XIe siècles: l’immigration syrienne’, *Travaux et Mémoires* 6 (1976), 177–216; J.-C. Cheynet, ‘L’apport arabe à l’aristocratie byzantine des Xe–XIe siècles’, *Byzantinoslavica* 61 (1995), 137–46; C. Holmes, ‘“How the East was Won” in the Reign of Basil II’, in A. Eastmond (ed.), *Eastern Approaches to Byzantium* (Aldershot, 2001), 41–56; Holmes, ‘Byzantium’s Eastern Frontier in the Tenth and Eleventh Centuries’, in D. Abulafia and N. Berend (eds.), *Medieval Frontiers: Concepts and Practices* (Aldershot, 2002), 82–104; Holmes, *Basil II and the Governance of Empire (976–1025)*, (Oxford, 2005), especially ch. 6.

¹⁴ On Basil’s Balkan campaigns and his later reputation see P. Stephenson, *The Legend of Basil the Bulgar-Slayer* (Cambridge, 2003).

rare.¹⁵ During Basil's reign very few Muslim-held territories were permanently annexed. Forts held by Muslim warlords tended to be razed to the ground rather than permanently occupied.¹⁶ And when Basil did finally begin to take a more active interest in eastern expansion, after the annexation of Bulgaria in 1018, his ambitions focused on his Christian Iberian (Georgian) and Armenian neighbours rather than on local Muslim powers.¹⁷

None the less, despite the lower profile of relations with the Islamic world during Basil's hegemony, especially compared with the armed offensives that typified the reigns of his imperial predecessors Nikephoros Phokas and John Tzimiskes, the Byzantine-Muslim frontier remains an interesting area of study. As far as Basil's reign is concerned, understanding how the eastern frontier was governed is essential to working out how resources could be channelled into campaigns in the west. More germane to this chapter is the degree to which close analysis of Byzantine governance in the East reveals the shallow foundations of several shibboleths about imperial authority in the century before the arrival of the Seljuk Turks. Foremost among those certainties is the theory that a fundamental principle of Byzantine rule in the East during the tenth and eleventh centuries was persecution of non-Greek Orthodox populations by a rigid and unresponsive administration run from Constantinople.¹⁸ Instead, what detailed study of the Byzantine East during this period shows is that imperial rule was often flexible, accommodating and indirect rather than centralised, combative and rigid. A very important element of this more subtle and fluid eastern frontier world was the exaction of tribute, a characteristic which may make the empire's eastern territories a Byzantine version of the Muslims' *Dar al-Ahd*.

In order to pursue this line of enquiry further we need to look less at the evidence for administrative structures, and more at how the Byzantine Empire conducted negotiations with local populations and potentates; in other words at diplomacy. In the rest of this chapter I shall develop some ideas about frontier governance in the light of diplomatic relations

¹⁵ The best modern narrative analysis of the eastern frontier in Basil's reign is unpublished: J. H. Forsyth, 'The Chronicle of Yahya ibn Sa'id al-Antaki', Ph.D. Thesis, University of Michigan (1977), 369–634; see also W. Farag, 'Byzantium and its Muslim Neighbours during the Reign of Basil II (976–1025)', PhD Thesis, University of Birmingham (1979).

¹⁶ Holmes, 'Eastern Frontier', 97–8.

¹⁷ Forsyth, 'Chronicle of Yahya', 557–81; Holmes, *Basil II*, ch. 8.

¹⁸ M. Angold, *The Byzantine Empire 1025–1204*, 2nd edn (New York, 1997), 33–4, 41–2; S. Vryonis, 'Byzantium: The Social Basis of Decline in the Eleventh Century', in *Byzantium: Its Internal History and Relations with the Muslim World* (London, 1971), no. 2, 167–72; for a revisionist view see J.-C. Cheynet, *Pouvoir et contestations à Byzance* (Paris, 1990), 394–402.

between Muslims and Byzantines in the later tenth and early eleventh centuries, looking primarily at the treaty drawn up between Byzantium and the northern Syrian emirate of Aleppo in 969. Where there are striking parallels I shall compare the Byzantine eastern experience in this period with other contemporary Byzantine frontiers. More briefly I shall indicate the points at which the Byzantine experience seems comparable with other parts of the medieval Mediterranean world where, from the eleventh century onwards, Christian forces began to expand into territories that had previously been under Muslim rule.

Before looking in detail at the treaty with Aleppo, a brief synopsis is needed of the problems that the Byzantines faced in territories that they had only recently conquered from the Muslims and the solutions that they adopted. Here, it is particularly important to stress the heterodox nature of the population of these territories. Very few inhabitants were Chalcedonian (Greek Orthodox) Christians. It is unlikely that many spoke much Greek. Instead, the region was dominated by Armenian, Syriac and Arabic speakers, many of whom were Monophysite Christians.¹⁹ In addition, despite some Muslim emigration from conquered territories in the immediate aftermath of annexation, an indigenous Muslim population often remained within the former emirates.²⁰ How the Byzantines dealt with this heterodox population is a complex issue. On the one hand, it is often alleged that persecution was the official Byzantine reaction to its eastern subject peoples. The infamous case of the imprisonment in Constantinople of the Syrian Patriarch in the 1030s, which is reported in some detail by the early twelfth-century historian Michael the Syrian, is often taken as evidence to support this view.²¹ Yet, on the other hand, it is important to stress that such persecution, while undoubtedly present at a local level, was not always officially sanctioned. A contemporary voice from Armenia, which was often hostile to local Chalcedonian clerics, none the less reveals that when Basil travelled in the east he reprimanded those who fomented regional strife.²² A further sign of an

¹⁹ Dagron, 'Minorités ethniques', *passim*; N. G. Garsoian, 'Armenian Integration into the Byzantine Empire', in H. Ahrweiler and A. E. Laiou (eds.), *Studies on the Internal Diaspora of the Byzantine Empire* (Washington D.C., 1998), 53–124.

²⁰ J. Schlacht and M. Meyerhof (eds. and trans.), *The Medico-Philosophical Controversy between Ibn Butlan of Baghdad and Ibn Ridwan of Cairo* (Cairo, 1937), 54–7; M. Canard, 'Quelques "à côté" de l'histoire des relations entre Byzance et les Arabes', *Studi medievali in onore di G. Levi della Vida*, 2 vols. (Rome, 1956), vol. II, 116–17.

²¹ J. B. Chabot (ed. and trans.), *Chronique de Michel le Syrien, Patriarche Jacobite d'Antioche (1169–99)* (Paris, 1905–10), 140–4; Vryonis, 'The Social Basis of Decline', 170.

²² H. Gelzer and A. Burckhardt (trans.), *Des Stephanos von Taron armenische Geschichte* (Leipzig, 1909), 148–9, 210; for an argument that centrally appointed imperial officials tried to remain even-handed in their treatment of minorities see Holmes, "How the East was Won", 54–6.

imperial desire to foster rather than persecute local populations was a frequent willingness to augment the numbers of eastern Christians and Muslims living in the conquered territories. In the 960s, for instance, Emperor Nikephoros Phokas encouraged Syrian Monophysite Christians to settle in the former emirate of Melitene.²³ One of Basil II's generals, Nikephoros Ouranos, recommended that if a Muslim city surrendered voluntarily, its inhabitants should be allowed to keep their possessions while its notables received presents.²⁴ As would be the case in other areas of the Mediterranean conquered by Christians in later centuries, Muslims permanently resident in Byzantium during the tenth and eleventh centuries paid a poll tax.²⁵

Pragmatic fiscal imperatives were undoubtedly the mainspring of such policies of accommodation. Byzantine emperors were traditionally sensitive to the revenue benefits of a working relationship with non-Chalcedonian Christians and Muslims, particularly as far as trade was concerned. It is striking that Syrian Monophysite merchants with links to trading cities along the Tigris were among those who migrated to Melitene, enticed westwards by the offer of tax breaks.²⁶ The existence from as early as the ninth century of mosques in Byzantine cities such as Constantinople, Ephesos and Athens, and references to Syrian silk merchants in Constantinople in the tenth-century administrative manual known as the *Book of the Prefect*, reflect an imperial awareness of the desirability of trade with Muslims.²⁷ However, an even more stark

²³ Dagron, 'Minorités ethniques', 187–98.

²⁴ McGeer, *Sowing the Dragon's Teeth*, 156–8.

²⁵ J. H. Kramers and G. Wiet (trans.), *La configuration de la terre*, 2 vols. (Beirut and Paris, 1964), vol. 1, 186. For a detailed discussion of the payment of a *jizya*, or poll tax, by Muslims in Norman Sicily see J. Johns, *Arabic Administration in Norman Sicily: The Royal Diwan* (Cambridge, 2002), 35–8, 44–5.

²⁶ Holmes, "'How the East was Won'", 45.

²⁷ For references to mosques see S. Vryonis, *The Decline of Medieval Hellenism in Asia Minor and the Process of Islamization from the Eleventh through the Fifteenth Century* (Berkeley, CA, 1971), 10–11; G. C. Miles, 'Byzantium and the Arabs: Relations in Crete and the Aegean Sea', *Dumbarton Oaks Papers* 18 (1964), 19–20; M. Canard, 'Les relations politiques et sociales entre Byzance et les Arabes', *Dumbarton Oaks Papers* 18 (1964), 39; A. P. Kazhdan and A. Wharton Epstein, *Change in Byzantine Culture in the Eleventh and Twelfth Centuries* (Berkeley, CA, 1985), 175. For Syrian silk merchants in Constantinople see J. Koder (ed.), *Das Eparchenbuch Leos des Weisen* (Vienna, 1991), 94–7. There is convincing evidence for trade between the Byzantine and Fatimid worlds in the eleventh century in both the archaeological and cartographical records. A wreck carrying a cargo of glass has been recovered off the south-west coast of Turkey with both Byzantine and Fatimid coins on board (G. F. Bass, 'A Medieval Islamic Merchant Venture', *Archaeological News* 7 (1979), 84–94). A roughly contemporary book of maps produced in the Fatimid world, recently purchased by the Bodleian Library, known as 'The Book of Curiosities', also points strongly towards the activity of Islamic traders in Aegean ports held by the Byzantines. I would like to thank Dr Jossef Rapoport for this reference.

pragmatic need shaped the official attitude of accommodation to heterodox populations along the eastern frontier. Quite simply the Byzantine Empire did not have the necessary surplus population to send settlers to the annexed territories. Indeed so acute was the manpower shortage that the Byzantines actively encouraged migrants from outside the empire not only to settle in the frontier regions but also to move to territories that were located deeper within the empire's borders.²⁸

A considerable degree of pragmatism also seems to have underpinned the practical administration of these frontier populations. That is to say, Byzantine emperors were clearly willing to acknowledge the logic that in regions where the everyday language of economic and fiscal exchange was not Greek, minimal administrative change would bring maximum benefit. This was certainly the policy adopted elsewhere in tenth- and eleventh-century Byzantine frontier territories. In the more remote regions of the province of Langobardia in Byzantine southern Italy, for example, we know that local administrative, legal and fiscal affairs were controlled by indigenous Lombard *gastalds*; even in areas more securely under Byzantine control, such as Bari and its hinterland, most Byzantine titles and offices were held by indigenous notables.²⁹ Basil II seems to have preferred placing locals into important offices rather than Constantinopolitan figures during his annexation of Bulgaria. Certainly, when the Bulgarian patriarchate was replaced by an independent (autocephalous) archbishopric in Ochrid, the first archbishop was a local called George. It is quite possible that this George was, in fact, the last Bulgarian patriarch. His title and loyalties may have changed, but his practical responsibilities had not.³⁰

²⁸ The most famous of eastern migrants into Byzantium were the Banu Habib from Nisibis in northern Mesopotamia, who became so disaffected with the level of taxation demanded by their Muslim lords, the Hamdanids, that they defected to the Byzantines, converted to Christianity and became farmers in eastern Anatolia (J. J. Reiske (ed.), *Constantini Porphyrogeniti Imperatoris De Cerimoniis Aulae Byzantinae Libri Duo* (Bonn, 1829), 694–5; see also J. F. Haldon and H. Kennedy, 'The Arabo-Byzantine Frontier in the Eighth and Ninth Centuries: Military and Society in the Borderlands', *Zbornik Radova Vizantoloshkog Instituta* 19 (1980), 101). A further sign of the demographic deficit faced by the Byzantines is the generous treatment meted out to Armenian soldiers who deserted from imperial armies. Although their lands were liable to be forfeit after three years' absence, if they returned to fight with imperial armies they were to be provided with new lands (E. McGeer, 'The Legal Decree of Nikephoros Phokas Concerning Armenian *Stratiotai*', in T. S. Miller and J. Nesbitt (eds.), *Peace and War in Byzantium: Essays in Honor of G. T. Dennis* (Washington, DC, 1995), 126).

²⁹ V. von Falkenhausen, *Untersuchungen über die byzantinische Herrschaft in Süditalien vom 9. bis ins 11. Jahrhundert* (Wiesbaden, 1967), 103, 109–11, 128–9; J. M. Martin, *La Pouille du VIe au XIIe siècle* (Rome, 1993), 695–9, 705–10.

³⁰ H. Gelzer, 'Ungedruckte und wenig bekannte Bistumsverzeichnisse der orientalischen Kirche', *Byzantinische Zeitschrift* 2 (1893), 42–6; Stephenson, *Legend of Basil the Bulgar-Slayer*, 46–7.

Back in the East, there are fragments of evidence to suggest that indigenous power structures continued to be important in the governance of the former Muslim emirates. At the northern Syrian port town of Laodikeia, where the representative of central authority was a Byzantine *strategos* (governor), local Muslims continued to have their own *qadi* (judge).³¹ Urban notables from the Syrian and Armenian communities in cities like Melitene and Antioch acted as intermediaries between local populations and the centrally appointed representative of imperial authority.³² Indeed it can be argued that unlike the heartlands of the Byzantine Empire, frontier administration in the former emirates was characterised by a local bureaucracy which operated underneath a very thin layer of centrally appointed officials. As such these senior Byzantine officials did not have precise administrative duties but instead acted principally as the guarantors of tribute between the locality and the centre.

Evidence to support this devolved, tribute-based model is to be found among the lead seals belonging to senior officials in the East, in particular among those who held the position of *kourator*. In the rest of the Byzantine Empire these officials were usually the managers of imperial estates. But in the East their role seems to be more closely associated with the collection of tribute. The chronicle account of what happened to the emirate of Melitene when it was annexed in 934 draws a particularly strong connection between tribute and *kouratores*:

they (that is to say the Byzantines) captured and razed it to the ground not only Melitene but also its neighbouring cities and districts which were highly productive and very fertile and < could > yield many other revenues. Having then turned Melitene into a *kouratoreia*, the emperor had many thousands of [pounds?] of gold and silver raised annually in tax/revenues from there.³³

The term used to convey the sense of the annual revenues from Melitene is *dasmophoreisthai*. The principal meaning of *dasmos* in Greek is 'tribute'. Other Greek historians also indicate that the payment of tribute was how the imperial authorities most readily conceived of the reward they could expect from the conquest of Muslim areas. Another contemporary historian's description of the campaign to reduce Antioch towards the end of the 960s records that small garrisons were deployed in neighbouring mountain forts with instructions to raid the urban hinterland until the city itself became *tributary* (*hypospondos*).³⁴

³¹ Ibn Butlan, in Schlacht and Myerhof (eds.), *Ibn Butlan and Ibn Ridwan*, 56.

³² Chabot (ed.), *Michel le Syrien*, 165–6.

³³ Bekker (ed.), *Theophanes Continuatus*, 417.

³⁴ C. B. Hase (ed.), *Leonis Diaconi Caloënsis Historiae Libri Decem* (Bonn, 1828), 73–4.

The conclusion to which this synopsis points is that Byzantine governance of its eastern, former Muslim territories, in the later tenth and eleventh centuries was shaped by a series of tribute agreements with local indigenous populations. The synopsis rests on pulling together shards from the literary and material record, as is so often the case with attempts by modern scholars to track the course and nature of relationships between different ethnic and religious communities in the Middle Ages.³⁵ In the case of the Byzantine experience of governing its eastern periphery, however, we can test out this model by comparing it with a more solid and lengthy piece of evidence, a genuine tribute agreement between Byzantium and a frontier population. This is the treaty which was drawn up in 969 between Byzantium and Aleppo, a city in northern Syria, less than one hundred kilometres away from Antioch, which in the late 960s was under the suzerainty of a local Muslim dynasty known as the Hamdanids. This treaty comes down to us in full because it is preserved in the thirteenth-century local history of the city by Kamal al Din.³⁶ It was a treaty drawn up in the context of a period of particularly fierce fighting between the Byzantines and their Muslim neighbours. In 962 Byzantine armies had ravaged the suburbs of Aleppo in a lightning raid. By the end of the decade Aleppo's close neighbour in northern Syria, Antioch, had fallen and the Byzantine field army had moved back to the walls of Aleppo, where after a 27-day siege a truce was reached between the commander of the Byzantine army and Qarghouyah, the Hamdanid secretary who had been left in charge of the city.³⁷

Close reading of the treaty indicates that many of its concerns accord closely with elements that I have already identified as typical of Byzantine frontier governance. All inhabitants of the area covered by the truce were to pay a poll tax, including Christians if they were property owners. A fixed amount of annual tribute was set. Qarghouyah the secretary was appointed emir and his successor named. The Byzantine emperor was to appoint future emirs and *qadis*. The emirate was to fight for the Byzantines against non-Muslims. Although not obliged to fight Muslims, the emir was to prevent Muslim armies passing through his territory. He

³⁵ For similar observations concerning the vexed relationship between fragmentary evidence and models of inter-ethnic relationships see R. Ellenblum, *Frankish Rural Settlement in the Latin Kingdom of Jerusalem* (Cambridge, 1998), 5.

³⁶ W. Farag, 'The Truce of Safar A.H. 359', Paper from the Eleventh Spring Symposium held at Birmingham University (Centre for Byzantine Studies, University of Birmingham, 1977). Professor John Haldon kindly gave me a copy of this off-print.

³⁷ The events leading up to the siege of Aleppo are related by Yahya ibn Sa'id al-Antaki, 'Histoire', I. Kratchkovsky and A. Vasiliev (eds. and trans.), *Patrologia Orientalis* 18 (1924), 786–826.

was to supply Byzantine armies if required to do so, and to maintain the emirate's fortresses. Spying against Byzantium was forbidden. Converts to Christianity and to Islam were to be protected. Christians were to be allowed to rebuild churches. Safety for Christian pilgrims was assured. The treaty ended with some detailed commercial clauses, a dimension of the pact which reflects Byzantine interest in trade.³⁸ As a result of this treaty, Aleppo became a Byzantine protectorate, in charge of its own internal administration but subject to Byzantine control in its external dealings. Its terms are almost a mirror image of those presented to Theodomir in eighth-century Spain. Looking further ahead and further afield they resemble the protection agreements struck between different Christian princes and Muslim political actors in the eleventh, twelfth and thirteenth centuries: for example, between Normans and Muslims in Sicily in the final three decades of the eleventh century; between King Roger II of Sicily and the emirs of coastal north Africa in the mid twelfth century; and between James I of Aragon and the cities and local warlords of the Muslim kingdom of Valencia.³⁹

The obvious question precipitated by the Aleppo truce is the extent to which this tribute and protection deal was typical of Byzantium's governance of the frontier. There are, of course, quite sensible grounds for arguing that it is not. Unlike many of the emirates which fell to the Byzantines in the tenth century, Aleppo was never occupied by Byzantine troops, nor put under the jurisdiction of a Byzantine governor. It often failed to pay its annual tribute. As we have seen in 1016 it was actually garrisoned by Fatimid forces. However, in other ways the Aleppo truce was typical of how the Byzantines advanced eastwards during the tenth century, of what they expected of their 'conquests', and of how they governed them. The key element to be emphasised in this regard is the potential which the Aleppo agreement contains for change, for redefinition of the relationship between the empire and the emirate, and for potentially tighter control in the future by the Byzantines. Thus while the current political *status quo* within Aleppo was confirmed, the 969 treaty envisaged control of the appointment of emirs in the future being given over to the emperor. Provision for more direct future control also appears in the clauses concerned with trade: while the

³⁸ Farag, 'The Truce of Safar', *passim*; for spying as an endemic activity along the Byzantine eastern frontier see McGeer, *Sowing the Dragon's Teeth*, 142–3, 154–5.

³⁹ Johns, *Arabic Administration*, 33–9 (Muslim Sicily); D. Abulafia, 'The Norman Kingdom of Africa and the Norman Expedition to Majorca and the Muslim Mediterranean', in R. A. Brown (ed.), *Anglo-Norman Studies* 7 (Woodbridge, 1985), 34–42 (North Africa); Burns and Chevveden, *Negotiating Cultures, passim* (Valencia).

customs proceeds from caravan traffic remained for the time being with the Aleppins, they would at a later date revert to the emperor.⁴⁰

The reason why Aleppo never fell more securely under Byzantine control was that Basil II was content for Aleppo to remain a buffer state.⁴¹ Yet although Byzantium failed to tighten its control over Aleppo, elsewhere many tenth-century Byzantine 'conquests' were slowly transformed from initial, loose tribute agreements into rather more permanent arrangements of annexation, but arrangements that none the less never lost their tribute dimension entirely.⁴² This was the experience at Melitene, the emirate which was turned into a *kouratoreia* after its capture by force in 934. Yet as Jonathan Shepard has recently demonstrated, for several years before this date the emirate was already a client state of the empire, with its emir permitted to retain power as long as he rendered tribute and worked with Byzantine military forces. The city was only 'taken' in 934, when the emir died and the city tried to throw off its imperial affiliations. But, as Shepard shows, even after the more decisive step of annexation, the emirs of Melitene retained an administrative role in the city for at least thirty years after 934. The first definite evidence of the residence in the city of a Byzantine military governor, or *strategos*, comes as late as 971, nearly fifty years after the emirate first became tributary to the Byzantines.⁴³

The idea that Byzantine governance of the frontier proceeded by the very gradual tightening of a tribute-based system is also supported by the role played by frontier functionaries called *basilikoi*. In the tenth century it is clear that many *basilikoi* in the Byzantine East were members of indigenous urban elites. One particularly important *basilikos* was a Syrian Monophysite called Kouleib. Before 975 he was the governor of two fortresses on behalf of the Hamdanids of Aleppo; subsequently he

⁴⁰ Farag, 'The Truce of Safar', *passim*.

⁴¹ This willingness became most evident during the emperor's negotiations in 981–2 with Ibn Shahram, an envoy sent by the Buyid dynasty from Baghdad (H. Amedroz and D. Margoliouth (eds. and trans.), *Eclipse of the Abbasid Caliphate*, 6 vols. (Oxford, 1920–1), vol. 1, 23–34, especially 31–3); for further discussion of these negotiations see A. Beihammer, 'Der harte Sturz des Bardas Skleros. Eine Fallstudie zu zwischenstaatliche Kommunikation und Konfliktführung in der byzantinisch-arabischen Diplomatie des 10. Jahrhunderts', in R. Bösel and H. Fillitz (eds.), *Römische Historische Mitteilungen* 45 (Vienna, 2003), 21–57. Basil was unwilling to take the city even when he had the support of an immense imperial army in 995 (W. Farag, 'The Aleppo Question: A Byzantine–Fatimid Conflict of Interest in Northern Syria in the Later Tenth Century', *Byzantine and Modern Greek Studies* 14 (1990), 53).

⁴² For comparable examples of the gradual tightening of *jizya*-paying arrangements see Johns, *Arabic Administration*, 45.

⁴³ J. Shepard, 'Constantine VII, Caucasian Openings, and the Road to Aleppo', in A. Eastmond (ed.), *Eastern Approaches to Byzantium* (Aldershot, 2001), 30.

became Byzantine *basilikos* first at Antioch and later at Melitene. Contemporary Arab diplomatic reports indicate that he was particularly well regarded by the imperial authorities because it was thought that as father-in-law to Qarghouyah, emir of Aleppo after 969, he could act as the key intermediary in the delivery of the annual tribute from Aleppo. An analogous case to Kouleib is Obeidallah, another local Christian notable, who replaced Kouleib at Antioch in 977–8.⁴⁴ Further prosopographical research, however, into the officials of the eastern frontier reveals that an initial Constantinopolitan reliance on local notables gradually began to change. While indigenous power-brokers filled such senior positions during the tenth century, they were increasingly eclipsed in this role during the eleventh century by appointees with a Constantinopolitan background. Foremost among these Constantinopolitan appointees were Nikephoros Ouranos and Philetos Synadenos. Nevertheless, below the ranks of the most senior officials, there is little evidence to suggest that there was a radical change of governance at a more junior level. There is, for example, no sign in the record of surviving lead seals that the multitudinous ranks of minor fiscal officials typical of the heartlands of the Byzantine Empire were introduced in frontier regions, a situation which seems to suggest that quotidian governance of the east continued to be in the hands of indigenous functionaries.⁴⁵ In these circumstances, it seems likely that while the senior figures in frontier governance were increasingly central appointees, the fundamental tribute paradigm to local administration itself may not have changed radically.

But if, as I am suggesting, Byzantine control over its eastern frontier territories was always quite light, and the advance of Byzantine governance a matter of very gradual and piecemeal steps, can any exact moment be isolated when a territory might be said to have become part of Byzantium? Put more simply: when did local populations know that they had been conquered by Byzantium? One answer to this question was undoubtedly the arrival of a permanent Byzantine garrison. We know that such garrisons existed both from historical narratives and more significantly from the *Escorial Taktikon*, which lists the commanders (*strategoï*) of long series of eastern strongpoints.⁴⁶ Yet, even in the case of military organisation (the most obvious imprimatur of imperial rule in the locality), once the bureaucratic blueprint of the *Escorial Taktikon* is

⁴⁴ I. Kratchkovsky and A. Vasiliev (eds. and trans.), 'Yahya ibn Sa'id al-Antaki: "Histoire"', *Patrologia Orientalis* 23 (1932), 369, 373, 420; Amedroz and Margoliouth (eds.), *Eclipse*, vol. vi, 23–4; Chabot (ed.), *Michel le Syrien*, 125–6; Cheynet, 'L'apport arabe à l'aristocratie byzantine', 141–2; Dagron, 'Minorités ethniques', 192, 197.

⁴⁵ Holmes, "How the East was Won", 50–3; developed in Holmes, *Basil II*.

⁴⁶ Oikonomides, *Les listes*, 266–9.

set in the wider context of events on the ground, martial administration also appears to have been exceptionally fluid, accommodating of indigenous structures and characterised by very slow, incremental change.

At the simplest of levels local Muslim troops appear to have retained a high profile within frontier territories long after initial 'conquests'. Ten years after the official 'fall' of Tarsus and the appointment of a Byzantine *strategos*, Muslim troops led by a member of the city's pre-conquest elite were called up to serve with the imperial campaign led by Emperor John Tzimiskes against Damascus.⁴⁷ During the reign of Basil II, Muslim troops were among those stationed at the newly built coastal fortress of Tortosa.⁴⁸ In 1016, 700 troops, the retinue of Mansur ibn Loulou, an emir who had been recently exiled from Aleppo, were put on the payroll of the Byzantine garrison at Antioch.⁴⁹ More significant, perhaps, than the retention of local troops was the retention of local Muslim commanders. Thus, Mansur ibn Loulou was given the title *patrikios* and allowed to refurbish a castle in the countryside between Aleppo and Antioch.⁵⁰ Sometimes the Byzantines were even willing to build forts on behalf of local Muslim lords. During the later 1020s Nasr ibn Mousarraḥ, the leader of a band of Muslims in the mountains close to Antioch, persuaded the Byzantines to construct him a fortress from which he could spy on all the other local semi-independent Muslim lords. The agreement was committed to writing and sealed by the *katepan* (governor) of Antioch.⁵¹ We learn from his lead seal that Ibn Mousarraḥ also held the Byzantine title of *patrikios*; intriguingly his seal also has on its reverse a depiction of St George, a military saint popular with soldiers of all ranks and all faiths in Byzantine military service.⁵² Such evidence for the ubiquity of indigenous commanders at small forts suggests that a two-tier system of military government functioned in Byzantine lands east of the Taurus and Anti Taurus mountains in the tenth and eleventh centuries: senior Byzantine commanders were located at major towns such as Antioch while isolated castles were controlled by

⁴⁷ According to the Damascene chronicler Ibn al-Qalanisi; M. Canard, 'Les sources arabes de l'histoire byzantine aux confins des Xe et XIe siècles', *Revue des Etudes Byzantines* 19 (1961), 293–5.

⁴⁸ Farag, 'The Aleppo Question', 53–4.

⁴⁹ I. Kratochkovsky (ed.), F. Michaeu and G. Troupeau (trans.), 'Histoire de Yahya ibn Sa'id d'Antioche', *Patrologia Orientalis* 47 (1997), 401.

⁵⁰ *Ibid.*, 403 for the castle; unpublished seal from the Dumbarton Oaks collection F227; see also Cheynet, 'L'apport arabe à l'aristocratie byzantine', 142–3; Canard, 'Les relations politiques et sociales entre Byzance et les Arabes', 43.

⁵¹ Yahya *PO* 47 (1997), 501–3.

⁵² J.-C. Cheynet, C. Morrisson and W. Seibt, *Sceaux byzantins de la collection Henri Seyrig* (Paris, 1991), seal no. 251.

more junior local warlords. One of the principal implications of this two-tier system was undoubtedly that senior officers appointed by the centre needed to be skilled diplomats as well as experienced soldiers. It is, therefore, no surprise to learn that Basil II's most senior commander at Antioch in the early eleventh century, Nikephoros Ouranos, was not only a highly competent general and administrator, but also a diplomat of long-standing experience, who had already undertaken at least two embassies to Baghdad.⁵³

In a recent publication Jonathan Shepard stressed the degree to which Byzantium in the mid tenth century only rarely sought outright conquest and occupation of the multifarious Christian and Muslim principalities of Armenia and Georgia, areas of the eastern frontier which lay to the north of the region discussed here. Basing his arguments primarily on four chapters of the *De Administrando Imperio*, a rare diplomatic manual collated in Byzantium in the mid tenth century, Shepard argues that imperial authority was most frequently extended by indirect means: by the securing of tribute agreements; by the occupation of key castles by imperial officials or co-operative local notables; by the offer to indigenous dynasts of Byzantine court titles, salaries from the imperial treasury and positions within the administration of the frontier. However, Shepard goes on to argue that this Byzantine approach to the eastern frontier underwent a shift in the second half of the tenth century as large Byzantine armies campaigned against and occupied Cilicia, northern Syria and northern Mesopotamia.⁵⁴ However, the evidence presented in this chapter relating to tribute agreements and the retention of local elites within civil and military administration suggests that Shepard's analysis of Byzantine diplomacy on the eastern frontier may not only apply to the extension of imperial authority into Transcaucasia but also to its articulation in the larger former Muslim emirates along the southern section of the frontier.

The evidence presented here also suggests that the Byzantine case has much to contribute to the considerably wider subject of Christian-Muslim relations in the Middle Ages, particularly during the period between the late tenth and mid thirteenth centuries when a variety of Christian polities across the Mediterranean basin made substantial advances into Muslim-held territory. The strategies of tribute payment, accommodation and the gradual absorption of local administrative and political structures which the Byzantines deployed in their relations with their

⁵³ For the career of Ouranos see E. McGeer, 'Tradition and Reality in the *Taktika* of Nikephoros Ouranos', *Dumbarton Oaks Papers* 45 (1991), 129–40.

⁵⁴ Shepard, 'Constantine VII, Caucasian Openings, and the Road to Aleppo', 19–40.

Muslim subjects and neighbours have parallels in Iberia, North Africa, Sicily and even the Crusader States.⁵⁵ Much more research of a comparative nature will be required before firm conclusions can be drawn about the apparent similarities between the concepts behind and practices involved in Christian–Muslim treaty-making. Where they survive, the treaties themselves will provide an essential starting-point to such an exercise. However, it will always be important to bear in mind that the texts of treaties were only one part of the negotiating process between Christian invaders and the Muslim populations they subjugated. They may provide a snapshot of the conditions under which Muslims surrendered and agreed to pay tribute. But as research into the surrender treaties drawn up between the Kings of Aragon and their new subject populations in Valencia has shown, such agreements were subject to constant rejection and re-negotiation.⁵⁶ As long as the treaties are seen in this wider context of immense fluidity of relationships then they have much to say about the shaping of medieval frontiers between Christians and Muslims both in Byzantium and elsewhere.

⁵⁵ See new research by J. Riley-Smith, 'Government and the Indigenous in the Latin Kingdom of Jerusalem', in D. Abulafia and N. Berend (eds.), *Medieval Frontiers: Concepts and Practices* (Aldershot, 2002), 121–31.

⁵⁶ See especially Burns and Chevedden, *Negotiating Cultures*, *passim*.

9 Siege conventions in Western Europe and the Latin East

John France

War is waged differently and less vigorously between men who hold the same law and faith. For even if no other cause for hatred exists, the fact that the combatants do not share the same articles of faith is sufficient reason for constant quarrelling and enmity.¹

Thus William of Tyre explained the readiness of both Baldwin II (1118–32) and his enemy, Bursuqi of Mosul, to engage in battle at Azaz in 1125. But this may be taken as a text underlying the basic assumption of many writers, that crusading warfare was *à l'outrance*, unregulated mayhem. The twelfth century is certainly too early to speak of the 'Laws of War', because even within Catholic Christendom these only became codified and systematised from the thirteenth century onwards.² But even at that date, certainly between warring contenders of the same religion, conventions had been established which ameliorated the brutality of war, especially regarding the treatment of prisoners, ransoms etc. The Anglo-Norman realm was in a state of continual conflict with some of its neighbours, but the behaviour of soldiers in these wars was governed by understandings which, though unwritten and uncoded, were nonetheless very influential.³ In Islam the redeeming of captives was a religious imperative and this formed the basis for a rather similar pattern of behaviour. Further, even before the crusades there were precedents for regulating the conduct of war between enemies of different religions. During the long confrontation between Islam and Byzantium, prisoner exchanges and ransoming were the subject of a quite elaborate regulation which led to well-established routines. In Spain conflict between

¹ William of Tyre, *Chronicon*, ed. R. B. C. Huygens, 2 vols., *Corpus Christianorum Continuatio Medievals* 63–63A (Turnhout, 1986), 13.16 (hereafter WT); trans. E. A. Babcock and A. C. Krey, *A History of Deeds Done beyond the Sea by William of Tyre*, 2 vols. (New York, 1943), vol. II, 25.

² The best introduction to the laws of war is M. Keen, *The Laws of War in the High Middle Ages* (London, 1965).

³ M. Strickland, *War and Chivalry: The Conduct and Perception of War in England and Normandy 1066–1217* (Cambridge, 1996).

Catholic and Muslim was continual and a whole set of conventions and institutions regulating ransoming and redeeming prisoners grew up. By the end of the twelfth century the new Trinitarian Order had developed its vocation of regularising the redemption of prisoners and was particularly active there. Nothing quite as structured ever developed in the Holy Lands where the Military Religious Orders often served as intermediaries in matters of ransom, but this remained rudimentary, and, significantly, it was not until well into the thirteenth century that the Trinitarians became influential there. However, it was mutually beneficial for the leading members of the Muslim and Catholic societies that they should be able to surrender when circumstances dictated, and thereafter to arrange ransoms so *ad hoc* arrangements were made from the earliest moments of the crusading confrontation. During the First Crusade Roger of Barneville was famous as an intermediary in prisoner exchanges. Most of the prisoner-redemptions of which we hear concerned members of the elites on both sides, but rank-and-file combatants and non-combatants occasionally benefited.⁴

Parallel with this development was the fact that the conventions governing siege and surrender were actually similar in Islam and Christianity, and this is why they were very quickly extended to the wars between them in the crusading era.⁵ However, both sides applied them erratically and there was a definite tendency to see them ignored in particular circumstances. In Western Europe the Christian Church enjoined warriors to mercy, but it would be quite wrong to suppose that such injunctions were either adhered to slavishly or totally disregarded. They tended to be accepted and implemented according to the actual military situation. Siege was costly: Ralph of Coggeshall estimated that of Rochester in 1215 by King John of England (1199–1216) cost 60,000 marks: settlement on terms offered, therefore, considerable financial relief.⁶ But simple financial cost was only a part of the equation. The armies of medieval Europe were normally incoherent and *ad hoc*. Their very evident lack of organisation made the business of sustaining the siege of a strong fortress into a major logistic and organisational undertaking: even as late as 1310 the Duke of Austria had to retire from the

⁴ J. F. Haldon, *Warfare, State and Society in the Byzantine World, 565–1204* (London, 1999), 244–6; Y. Friedman, *Encounter between Enemies: Captivity and Ransom in the Latin Kingdom of Jerusalem* (Leiden, 2002), 239–40, 189–211; Albert of Aachen, *Historia Hierosolymitana* (hereafter AA), in RHC Oc.4. bk 4, Ch.28. A new edition of Albert of Aachen will shortly appear by Dr S. B. Edgington, hence references here are to book and chapter numbers.

⁵ See, for example, J. Bradbury, *The Medieval Siege* (Woodbridge, 1992), 297.

⁶ Strickland, *War and Chivalry*, 209 n. 26.

siege of Schaerding because food ran out. The siege of a strong fortress was the equivalent of a battle, and just as chancy. At Gerberoi, Robert Curthose sallied out from the besieged castle and scattered the army of his father, the Conqueror, while at Taillebourg in 1179 an ill-considered sortie by the garrison was defeated and Richard I's besiegers charged into the castle behind them. At Parma in 1247 a minor sally mounted by the besieged, who were almost in despair, escalated into the rout of the army of the Emperor Frederick II (1212–50) and the burning of Victoria, his grandiosely named siege-camp. Just as battle was avoided so was siege, or, if this was not possible, its strains were minimised, sometimes by offering terms to the besieged.⁷

The form such minimisation took was essentially pragmatic and based on the premise that the earlier a surrender took place, the better the terms. One is reminded of the observation of a World War II officer that after the capture of a strongpoint, Germans who tried to surrender were shot with the traditional comment: 'Too late chum!'⁸ The right of storm, by which defenders were at their attackers' mercy if their fortress was overrun, sprang essentially from the simple fact that an army which had broken into such a place, with its blood up, could hardly be restrained. This was very well understood. Philip Augustus of France (1179–223) offered mercy to garrisons as he overran Normandy in 1204, providing he received prompt surrenders: the alternative was well known. The option of surrender posed a nice conundrum for a besieged commander, because to surrender too early incurred a reputation for cowardice or treachery: King John clearly considered the rapid capitulation of Vaudreuil in 1204 as treachery, probably with good reason. By contrast, the garrison of Château Gaillard fought to the end: unusually, Philip Augustus gave its leaders an honourable imprisonment. Henry I was so impressed by the loyalty of the mercenaries who held out against him at Bridgnorth in 1102 that he allowed them to march out freely.⁹

⁷ On siege and battle and the nature of medieval armies see J. France, *Western Warfare in the Age of the Crusades 1000–1300* (London, 1999), 128–38; *Annales Osterhovenses 754–1453 MGH SS* 17, 556; D. Whitelock, D. C. Douglas and I. Tucker (eds.), *Anglo-Saxon Chronicle* (London, 1961) 'D', 159–60; Ralph of Diceto, *Imagines Historiarum in Opera Historica* ed. W. Stubbs, 2 vols. (London, 1876), vol. 1, 431–2; G. Bonazzi (ed.), *Chronicon Parmense* (Città di Castello, 1902), 13.

⁸ J. Keegan, *The Face of Battle* (London, 1978), 49.

⁹ F. M. Powicke, *The Loss of Normandy 1189–1204*, 2nd edn (Manchester, 1961), 162, and for the careers of its commanders, Saer de Quency and Robert FitzWalter, as rebels against John see J. C. Holt, *The Northerners: A Study in the Reign of King John* (London, 1961); Guillaume le Breton, *Gesta Philippi Augusti*, in *Oeuvres de Rigord et de Guillaume le Breton*, 2 vols. (Paris: Renouard, 1882–5), vol. 1, 212–20; Ordericus Vitalis, *Historia Ecclesiastica*, ed. M. Chibnall, 6 vols. (Oxford, 1969–79), vol. vi, 28–9.

In both cases, the successful commander was apparently impressed by the gallantry of the defenders.

The exercise of such gratuitous mercy was relatively rare, however, and more hard-headed arrangements were commoner. There was every incentive for an attacker to offer mercy to a garrison if it surrendered quickly. As time wore on and the investment in a siege grew heavier, savings diminished and the rewards of sack loomed larger. At Ascalon in 1153 the Templars were so anxious to gain the lion's share of booty that, having made a breach, they refused to allow any but Templars to join in the assault – with disastrous results.¹⁰ A very common form of arrangement was conditional respite, whereby a truce was agreed for a period which would allow the besieged to seek aid from their lord, on the understanding that if he did not come they would surrender. Such respites often had to be paid for, and the actual implementation of the process could be very delicate. It is possible that something like that was concluded between the army of the First Crusade and the citizens of Antioch.¹¹

The impulse to mercy, to allow surrender on terms, was notably strong where the combatants stood in a close and largely stable relationship with one another. This was certainly true of the Anglo-Norman world. The wars of the French, Normans and Angevins took place within an essentially stable structure of 'states' and were fought amongst aristocracies who knew and were related to one another. Despite occasional acts of brutality, the principals in such wars usually extended mercy to one another, although the infantry and mercenaries were usually massacred. This is hardly surprising because war was controlled by the aristocratic elites and they had links with other similar elites rather than with the humble on their own side. Moreover, ties of loyalty in medieval society were often uncertain and ambiguous. There were few frontiers and many marches – areas of interpenetrating zones of influence with their interlocking and overlapping *mouvances*. In such circumstances, chains of loyalty were often uncertain, hence the reluctance of kings to execute traitors or of leaders in general to push war to extremes, and the marked tendency to prosecute war by bribery, coercion and negotiation. Moreover, the men who made war were property-owners. These warriors did not try to enslave whole populations because slavery

¹⁰ WT 17.27.

¹¹ For a good discussion of the operation of conditional respite in an Anglo-Norman context, see Strickland, *War and Chivalry*, 208–12; J. France, 'The Fall of Antioch during the First Crusade', in M. Balard, B. Z. Kedar and J. Riley-Smith (eds.), *Dei Gesta per Francos: Crusade Studies in Honour of Jean Richard* (Aldershot, 2001), 13–20.

was no longer profitable in Western Europe. In most circumstances they limited the violence they visited upon the general population, because nobody wanted to rule a desert, though quite often they were prepared to reduce areas to that status to deny them to somebody else.¹²

It should not be imagined that surrender on terms was always possible or on offer. John had to be dissuaded from hanging the whole garrison of Rochester in 1215 and contented himself with the crossbowmen alone, while after the capture of Bedford in 1224 Henry III (1216–72) hanged all the survivors. He would like to have done the same to the defenders of Kenilworth in 1265, but their strong position in a well-victualled castle and the possibility of other rebellions led to mercy, though not for the common soldiers.¹³ Rebellion and civil war strained that community of interest between besiegers and besieged which in the end was the basis of all merciful arrangements. It is no accident that it was precisely these circumstances in which medieval commanders were most ready to engage in open battle.

Where relations between the two sides were exiguous, the tendency to brutality was much more marked. Frederick I Barbarossa (1152–89) intervened in Lombardy in the name of reasserting imperial power. However, the weakness of his position in the area and the problem of fighting at a distance from Germany meant that effectively he intervened in an Italian civil war, supporting a coalition of cities against Milan and its allies. When the political arrangements for the rule of the area by the Roncaglia Decrees of 1158 collapsed, the Milanese stormed Trezzo and killed all the Italians in its garrison, though they merely imprisoned the Germans. In fact the fighting in the Lombard Plain in the reign of Barbarossa was to be remarkably savage. At Corno Vecchio the emperor ordered that all the captured members of the garrison should have their right hands cut off. The sieges of Tortona and Crema saw many atrocities on both sides – Barbarossa tied hostages to the sides of his siege-towers, while the Cremans mutilated German prisoners. In both sieges the garrisons were allowed to surrender, but only because the emperor had other fish to fry and remarkably limited resources. The terms of their surrender were very harsh by western standards – both the cities were totally destroyed. When he turned against Milan, Frederick ordered that all who traded with the city should have their right arms

¹² W. Scott Jessee, 'Urban Violence and the *coup d'état* of Fulk le Réchin in Angers 1067', *Haskins Society Journal* 7 (1995), 75–82; France, *Western Warfare*, 45–51; Strickland, *War and Chivalry*, 258–81, 313–17.

¹³ Matthew Paris, *Chronica Majora*, ed. H. R. Luard, 7 vols. (London, 1872–3), vol. II, 626, III, 86–9; F. M. Powicke, *King Henry III and the Lord Edward*, 2 vols. (Oxford, 1947), vol. II, 531–9.

cut off, and ultimately, although it was allowed to surrender, its inhabitants were dispersed and the city razed.¹⁴

The savagery in Italy on both sides did not entirely destroy all ameliorations of the brutality of war, and ransoming, for example, became virtually an industry. But it certainly strained siege conventions and the savagery evident there was uncommon in Angevin–Capetian warfare. In part this was because Frederick conceived of the Milanese and their allies as rebels against his proper authority, and justified steps against them in these terms. But there was another cause of the alienation between the two sides. In a celebrated passage, Otto of Freising condemned the city-society of the Lombards with its wicked domination over the nobility and its habit of making knights of mere tradesmen.¹⁵ Thus to the horrors of a civil war amongst the Lombard cities was added what at least some, in the immediate imperial circle, regarded as a social war, pitting a traditional rural, aristocratic elite led by the emperor against what they conceived of as urban upstarts. But in addition to these there was another, purely military, factor.

It was remarkably difficult for medieval armies to attack cities successfully if there was real resistance. Scale was a very big issue because armies were rarely very large. Tortona, attacked by Barbarossa on his way to Rome, was a small place, but it held out from February to April 1155. He besieged Crema from July 1159 to January 1160 and Milan, for the second time after the failure in August/September 1158, from May 1161 to March 1162. In this last siege Barbarossa established close sieges only around the main gates and simply patrolled the rest. At Antioch the army of the first crusade could for long only attack about 1½ km on the northern part of the city's 12 km circuit of walls: eventually they blockaded all the main gates, but only with enormous difficulty, and treachery eventually admitted them. At Toulouse in 1217 Simon de Montfort was unable even to blockade the whole city. Poor organisation and victualling brought Frederick II's siege of Brescia to nothing in 1238.¹⁶ The sheer scale of the military problem influenced Barbarossa to accept terms, albeit severe ones, at Milan. But a city with a will to resist was so formidable that many sieges failed. By contrast castles were usually smaller and sometimes weaker targets. Their garrisons could often be overwhelmed. Bourzey is a strong castle in the crusader principality of

¹⁴ R. Rogers, *Latin Siege Warfare in the Twelfth Century* (Oxford, 1997), 132–53; France, *Western Warfare*, 51, 110.

¹⁵ Otto of Friesing and Rahewin, *The Deeds of Frederick Barbarossa*, ed. C. C. Mierow and R. Emery (New York, 1953), 125–8.

¹⁶ France, *Western Warfare*, 107–15; France, *Victory in the East: A Military History of the First Crusade* (Cambridge, 1994), 222–5.

Antioch, perched on a highly inaccessible spur on the edge of the Jebel al-Ansariye: in 1188 Saladin's huge army simply overwhelmed it. In 1184 three allied armies invaded the county of Hainaut seizing a number of weaker castles, forcing Baldwin V (1171–95) to abandon all except the strongest. Storm was always possible if the attacker was prepared to accept massive casualties or was wealthy and organised enough to mount a sustained siege: even mighty Crac des Chevaliers and Marqab fell after short but very intense sieges.¹⁷

The breach between Barbarossa and his allies on one side and the Milanese and their friends on the other produced the savagery of the fighting in the Lombard Plain which would reach new peaks in the thirteenth century under Frederick II. But ideology made for even greater savagery and the near-collapse of siege conventions. In 1208 the murder of a papal legate provoked Innocent III (1198–1216) to the proclamation of the crusade against the heretics of Southern France. According to one of its chroniclers, Innocent and his advisors made it clear that the crusade should adopt a policy of terror against all resisters, and the horrors which followed are all too well known. On 22 July 1209 the crusade stormed Albi with a massacre of, according to the papal legate, 20,000 of its inhabitants. In the light of the papal attitude, official protestations that this was all the fault of camp-followers, who may indeed have been responsible for the surprise capture, ring very hollow. After this horror it is hardly surprising that Carcassonne surrendered, though its inhabitants were driven naked from the city. In 1211 Lavaur fell and Aimery, its lord, was hanged along with eighty of his knights. Hatred of mercenaries fighting for the Southerners probably explains why, when Moissac surrendered on severe terms in the same year, its defenders were all killed. By contrast Baldwin of Monferrand was allowed to surrender in return for his joining the crusade.¹⁸ The conventions of surrender were never entirely abandoned during the Albigensian Crusade, but they were reduced to a bare minimum, and its horrors are a tribute to the depth of ideological hatred of heresy.

In the Middle East Islam officially frowned upon war between Muslims and enjoined moderation even upon those waging war against

¹⁷ H. Kennedy, *Crusader Castles* (Cambridge, 1994), 83–4, 148–50, 177–8; Gislebert of Mons, *Chronicon*, ed. L. Vanderkindere (Brussels, 1904), 170.

¹⁸ Peter of Vaux-de-Cernay, *History of the Albigensian Crusade*, trans. W. A. and M. D. Sibly (Woodbridge, 1998), 48–51 and Appendix II, 289–93, 51–4, 111–12, 121–2, 162–6; William of Tudela, *Song of the Cathar Wars*, trans. J. Shirley (Aldershot, 1996), 13, 19–22, 24–6, 41–2, 43–4.

those outside *dar al-Islam*. It acted as a pressure towards mercy in war, just as Christianity did in Europe. But even between Islam and Byzantium conventions were generally observed in much the same way as between enemies of the same religion. When Nicaea was besieged by the crusaders in 1097 the Emperor Alexius (1081–1118) insisted upon a surrender whose merciful terms annoyed the crusaders. Such conventions were sometimes ignored – notably by the Turks who destroyed Melitene in 1057, but this seems to have been less a siege than an occasion on which a fortified city was caught by surprise and overrun. In Spain major expeditions and sieges were outstanding episodes in a long war whose day-to-day reality was bitter raiding which was sometimes very savage. But even so, as between Christian and Muslim, siege conventions were so generally adhered to that by the thirteenth century they were the subject of written agreements. There were exceptions: in December 1229 the Mallorcans, after enduring siege since early September, wanted to surrender on terms to James I of Aragon (1213–76). He had already accepted such surrenders from large numbers of Muslim peasants in the hinterland. However, his nobles probably wanted to make sure he did not get the lion's share of the proceeds as he had done in the rural areas, so they insisted on storming the place which they did on 30/31 December 1229 with a dreadful slaughter. Political tensions amongst the Christians, and a desire for revenge after a long hard siege, which had involved a full-scale battle at Santa Ponza, brought about this appalling outcome. This was certainly a case where the garrison had held out too long and, along with the general population, suffered the appropriate fate: 'Too late chum!' But, more generally, even forcible expulsion as a term of surrender, as at Burriana and Valencia, was an unusual extreme in Spain, and in these two cases was resorted to largely because of tensions between James and his nobles. Such conventions were well established by the eleventh century when the destruction of Barbastro in 1064 by troops from north of the Pyrenees caused enormous shock and provoked a massacre when the city was recaptured in the following year. In Spain the Spanish Christian kingdoms and Islam were locked into a very long-term war which was mainly prosecuted by raids; neither side wished to upset established patterns of behaviour. The Muslims were generally on the defensive, while the Christians wanted the Moorish peasants, and indeed sometimes elements of the Muslim elite, to remain settled to cultivate the land. This is why very elaborate structures were created to facilitate ransoming of prisoners. It was only in the later Middle Ages that a real savagery became general in Spain as the Christians became more dominant and more confident and had less

to fear from their enemies. This, in fact, forms the pattern for the crusading East, though there the pattern was more complex.¹⁹

The army of the First Crusade was hardly delighted by the imperial decision to allow Nicaea to surrender. Their behaviour towards surrendered cities could be very different. At Antioch the city was betrayed in June after a siege which had lasted since the previous October. They broke in by night and a terrible massacre resulted; some 10,000 died, says Albert of Aachen, including many Christians killed in the confusion and darkness. However, Bohemond was prepared to accept the surrender of Marra on terms in December 1098, even after a bitter siege, but others disagreed and the Muslims themselves were divided: the result was a massacre and, as at Antioch, the enslavement of the survivors. Enslavement was rare in the West because slavery there was unprofitable, but it was a commonplace in the Middle East where conditions were radically different, and the crusaders quickly adopted it from their enemies. The sack of Jerusalem may have been magnified by later Islamic writers, because we know that Raymond of Toulouse allowed the garrison to depart on terms, while many Muslims and Jews were not killed, but in all conscience it was bad enough. However, the city had fought to the end and its sack was, therefore, within the bounds of contemporary practice in West and East.²⁰

But there was always another side to the dealings of the First Crusade. They had come to terms with the Egyptians whose tacit alliance against the Seljuks was a major condition of their success. In September 1097 Tancred accepted the surrender of Tarsus, but the Muslim garrison broke the terms when they mistook the approaching army of Baldwin of Boulogne for a relief force: subsequently they fled. Baldwin of Boulogne, once settled at Edessa, showed himself both a formidable

¹⁹ D. Nicolle, *Medieval Warfare Source Book II* (London, 1996), 241–4; R. Hill (ed.), *Gesta Francorum et aliorum Hierosolimitanorum* (hereafter GF) (Edinburgh, 1962), 17; Anna Comnena, *Alexiad*, ed. E. R. A. Sewter (London, 1969), 337–40; S. Vryonis, *The Decline of Medieval Hellenism in Asia Minor and the Process of Islamization from the Eleventh through the Fifteenth Century* (Berkeley and Los Angeles, 1971), 87; R. I. Burns, *Islam under the Crusaders* (Princeton, 1973), 117–54; R. I. Burns and P. E. Chevedden, *Negotiating Cultures: Bilingual Surrender Treaties in Muslim Crusader Spain under James the Conqueror* (Leiden, 1999); James I, *Chronicle of James I King of Aragon*, ed. J. Foster (Farnborough, 1968), 255–86, 369–99; see reference to Friedman, *Encounter between Enemies*, n.4 above.

²⁰ AA bk 4, ch.22; France, *Victory in the East*, 314 notes 46–7 summarises the sources on the confusion over the surrender of Marra, and 355 on the massacre at Jerusalem; France, *Western Warfare*, 187–203; slavery by the Scots and Welsh was condemned by the English as a horrible manifestation of Celtic warfare, on which see J. Gillingham, 'Conquering Barbarians: War and Chivalry in Twelfth-Century Britain', *Haskins Society Journal* 4 (1992), 67–84 and Strickland, *War and Chivalry*, 291–329.

enemy of Muslims and ready to make arrangements with them. In September of 1098, at a time when the crusade seemed to be stalled in North Syria, Godfrey de Bouillon agreed to aid the Muslim town of Azaz in return for tribute. Shortly after, Raymond of Toulouse spared the lives of those who surrendered at Albara, while massacring and enslaving the rest. During the march from Antioch to Jerusalem a whole series of compacts were made with Muslim cities, presumably because it speeded their progress. When his army broke into Jerusalem, Count Raymond of Toulouse spared the garrison of the citadel because they surrendered promptly. After the crusaders had defeated the Egyptian relief army under al Afdal at Ascalon on 12 August 1099, the city was prepared to surrender, apparently encouraged by Count Raymond's dealings with the Jerusalem garrison. However, Godfrey demanded the city and when these divisions became known to the citizens they withdrew their offer. In all these cases practical military necessity tempered ideological hatred.²¹

The First Crusade established no more than bridgeheads, and left to the settlers the task of founding principalities. The success of this process rested upon seizure of the cities of the coast, and a series of sieges, therefore, marked their early history.²² There is a tendency to see this as a progression with the Franks becoming gradually more civilised in their treatment of the Muslim peoples of the cities. But this is a simplification because, as we have noted, the first crusaders themselves were prepared to extend mercy when it suited them. There was a massacre at the storming of Haifa in 1100, but in 1101 the people of Arsuf, although they had surrendered only after the crusaders had broken into the city, were allowed to leave and given safe-conduct to Ascalon. From Arsuf Baldwin I went on to take Caesarea by storm with a dreadful massacre, only the governor and a few high officials being spared for ransom. In the following year Tortosa was sacked by Raymond of Toulouse, with equally fatal results for its inhabitants.²³

In 1104 Baldwin I of Jerusalem (1100–1118) invested Acre with the support of Genoese and Pisan fleets. The city had already withstood one siege, so it is understandable that he agreed when the governor asked for a respite to consult the citizens. When the garrison and citizens decided

²¹ GF 24–5; AA bk 3, chs. 18–25; France, *Victory in the East*, 165–6, 251–2, 307, 325–7, 328–9, 365; T. S. R. Boase (ed.), *The Cilician Kingdom of Armenia* (Edinburgh, 1978), 6; Raymond of Aguilers, *Liber*, ed. J. H. and L. L. Hill (Paris, 1969), 91–2.

²² My colleague W. G. Zajac has kindly allowed me to consult his work on sieges and surrender in the crusading East in the twelfth century, for which I offer many thanks. On the sieges, see Rogers, *Latin Siege Warfare*, 64–90.

²³ AA bk 7, chs. 24–5, 54; WT 10.14; Caffaro, *De Liberatione Civitatum Orientis*, RHC Oc.5. 112.

to ask for terms, Baldwin promised to allow them to depart under a safe-conduct, bearing with them all their wealth. The Italians only agreed to this reluctantly, and when the population of Acre began to move out their troops got out of hand and a massacre resulted with Franks joining in. The incident nicely illustrates the problems of implementing agreements, but this should not be allowed to obscure Baldwin's attitude. Tripoli fell in 1109 after a siege which had lasted since 1104. The sources diverge on the fate of the city. William of Tyre suggests an orderly arrangement by which Baldwin I agreed that those who wished to could leave with what they could carry, and those who wished to could stay. Albert says the city surrendered on terms which allowed the citizens to flee with what they could carry, but he also says that the presence of some Egyptian troops was revealed when the crusaders were torturing a woman for her wealth. The Muslim sources suggest somewhat equivocally that the garrison surrendered but the city was put to sack. It seems likely that terms were agreed, though William's picture of an orderly process may be rather too rosy. In 1110 the crusaders besieged Beirut which was stormed and the population subjected to a massacre so horrible that King Baldwin intervened and insisted the survivors be allowed to surrender. Sidon, besieged in the same year, was allowed to surrender. William of Tyre says the nobles were allowed to go, but the poorer folk stayed and lived as before: this is very like Albert of Aachen's terms, and is corroborated by the Muslim writer Ibn al Qalanisi of Damascus. Tyre was the greatest of the sieges of the coastal cities. It had resisted successfully in 1112 but in February 1124 the presence of a large Venetian fleet emboldened the crusaders to try again. The siege lasted five months and was marked by bitter fighting against the garrison and relief attempts from Damascus. On 7 July it surrendered on terms, with those who wished leaving with their goods, and others being permitted to stay.²⁴

This rather long excursus demonstrates that there was no simple change in crusader attitudes. The pattern here is actually one of general adherence to common practice, for surrender was accepted and massacre was the result of obdurate and protracted resistance – notably at Haifa where the Jewish population fought long and hard alongside the Fatimid garrison. The terms of surrender were generally much harsher than was common in Europe. In general the best that could be expected was permission for the inhabitants to depart with their goods, though occasionally something better was on offer as in the case of Tyre. Clearly, this

²⁴ AA bk 9, chs. 27–9 and 32–4; Ibn al-Qalanisi, *Damascus Chronicle of the Crusades*, ed. A. R. Gibb (London, 1932), 59–60, 105–6; WT 11.10, 14, 12.1–13; Rogers, *Latin Siege Warfare*, 79–83.

reflects the bitterness of warfare with an ideological dimension. Military necessity favoured clemency and the maintenance of siege conventions recognised by both sides. The fall of Tyre really signalled the establishment of the Europeans in the Middle East, and thereafter their only major siege was that of Ascalon in 1153–4, and it is hardly surprising that this ended with a surrender on terms. Zengi of Aleppo made a very conscious attempt to revive the spirit of *jihad* and it was probably for this reason that after al Atharib surrendered in 1135 he seems to have gone back on his word to allow the crusaders to flee and massacred them. Edessa in 1144 fell by storm and Zengi halted the massacre, ordering the execution of all the Europeans but sparing the native Christians. Nur ed-Din refused the Franks of Banyas permission to surrender the citadel in 1157, but finally acquired the city in 1164 by allowing all the citizens to leave with their lives and goods. Saladin was equally anxious to appear as the champion of the faith, but in general he found it convenient to accept surrender on terms. He massacred the garrison of Vadum Jacob in 1179, but this was an exceptional case. Saladin had made considerable efforts to prevent the building of this fortress by peaceful means. When these failed he had to besiege and storm the new fortress at tremendous cost in money and blood.²⁵ The siege of Banyas in 1139 provides a considerable contrast. The city had fallen to Damascus in 1132, but by 1139 was held for Zengi. The Damascenes were anxious about his growing power and as the price for an alliance with the Kingdom of Jerusalem joined the Europeans in a siege of the city which finally capitulated on terms which allowed its people to depart with all their goods.²⁶ This was clearly an occasion where the establishment of the westerners in the East was patent, and it represented an unusual and extreme case of acceptance of this.

The destruction of the army of the Kingdom of Jerusalem at Hattin in July 1187 left the kingdom denuded of troops, though Jerusalem still had a garrison. Saladin's instinct was to take the place by storm and put the inhabitants to the sword, but Balian of Ibelin threatened to destroy the Islamic Holy Places and massacre Muslim prisoners, so terms were eventually arranged by which the Europeans ransomed themselves but

²⁵ Michael the Syrian, *Chronique*, ed. J. B. Chabot, 4 vols. (Brussels, 1963), vol. III, 238, 259–63; A. S. Tritton and H. A. R. Gibb (eds.), 'Anonymous Syriac Chronicle', *Journal of the Royal Asiatic Society* (1933), 69–101; WT 16.4–5, 17.30, 18.11–15, 19.10; Ibn al-Qalini, *Damascus Chronicle*, 333–5; M. Barber, 'Frontier Warfare in the Latin Kingdom of Jerusalem: The Campaign of Jacob's Ford, 1178–9', in J. France and W. G. Zajac (eds.), *The Crusades and their Sources: Essays Presented to Bernard Hamilton* (Aldershot, 1998), 9–22.

²⁶ WT 14.17–19, 15.7–11.

were free to go with their goods and chattels. In the wake of Hattin Saladin's general policy was to allow mercy to any garrison which surrendered: this certainly achieved rapid results, notably the surrender of Acre. At Bourzey some of his assault force tricked both the garrison and Saladin and made off with the prisoners from whose ransoms they hoped to profit.²⁷ Saladin's merciful attitude is conventionally contrasted with Richard the Lionheart's behaviour after the surrender of Acre in August 1191 in massacring almost all the garrison, of about 3,000. However Acre had surrendered on terms to Richard and Saladin appeared to be dragging his feet when it came to paying the agreed ransom, so that by the standards of the age the massacre was justified. In 1219 the forces of the Fifth Crusade stormed Damietta: there was no general slaughter but almost all the prisoners were enslaved.²⁸

The early decades of the thirteenth century were a time of oscillating fortunes for the European settlers in the Holy Land. Their position was much weaker than it had been in the twelfth century, but the quarrels of Saladin's descendants, the Ayyubids, offered considerable scope for exploitation. The great stronghold of the crusaders was Acre, but they regained Jerusalem and much of the old Kingdom under Frederick II in 1229, only to lose it when his treaty expired in 1239. The city was regained by treaty in 1243, then lost to a terrible Khwarismian sack of 1244. The Khwarismians broke into the city and one of their native allies arranged for the garrison and population to be allowed to depart in peace, but things went wrong and a massacre ensued. This disaster, the destruction of the army of the Kingdom at the battle of La Forbie in 1244, and the failure of the crusade of St Louis, ushered in a period of Islamic reconquest under the Mamluks of Egypt.²⁹ Like the original conquest, this reconquest was marked by a series of sieges, often with bloody consequences for the besieged.

The Mamluk assault on the crusader principalities was enormously helped by their enfeebled state as a result of bitter internal factional quarrels, and by the relative disinterest of Europe in the second half of

²⁷ M. C. Lyons and D. E. P. Jackson, *Saladin* (Cambridge, 1984), 273–4, 289.

²⁸ P. W. Edbury (ed.), *The Old French Continuation of William of Tyre and Letter of Richard to the Abbot of Clairvaux*, in *The Conquest of Jerusalem and the Third Crusade* (Aldershot, 1996), 107–8, 181–2; Lyons and Jackson, *Saladin*, 330, 332–3, think the massacre happened because of mutual mistrust; Jacques de Vitry, *Epistola VI*, ed. R. Röhrich, in *Zeitschrift für Kirchengeschichte* 16 (1896), 77–9.

²⁹ M. N. Hardwicke, 'The Crusader States 1192–1243' and S. Runciman, 'The Crusader States 1243–91', in K. M. Setton (ed.), *A History of the Crusades*, 6 vols. (Philadelphia and Madison, 1955–86) 2nd edn, ed. R. L. Wolff and H. M. Hazard (Philadelphia, 1962), vol. II, 522–56, 557–98; R. Irwin, *The Middle East in the Middle Ages: The Early Mamluk Sultanate 1250–1382* (London, 1986).

the thirteenth century. On the other hand the Mamluk regime itself had periods of instability and it had to face the challenge of the Mongols. However, the Mamluks decisively defeated the Mongols at Ain Jalut in 1260 and the consolidation of their regime in Egypt allowed Baybars to attack the crusader settlements. In 1265 he razed Caesarea, though its garrison was allowed to surrender and go free. Haifa was evacuated in terror at his approach. The castle of Athlit was too strong for him to contemplate assault, so he turned on Hospitaller Arsuf whose garrison, after much hard fighting, capitulated on the assurance of their lives and freedom – an assurance which was broken when they were all enslaved. In 1266 two Egyptian armies attacked. That led by Baybars accepted the surrender of Safed in return for the lives of its Templar garrison, but they were all executed. In 1268 Baybars besieged Jaffa, and though its citizens were massacred the garrison was allowed to go alive in return for the surrender of the citadel. At the castle of Belfort the men were enslaved but the women and children were allowed to depart. Antioch, however, did not surrender and when the Egyptians broke in they shut the gates and the whole population was put to the sword or enslaved. In 1271 the garrisons of both Chastel Blanc and Crac were permitted to surrender. Mighty Marqab was put to siege by Kalavun in 1285 who was so impressed with the valour of its Hospitaller garrison that he allowed them to surrender and depart in full armour with all their goods. In 1289 Kalavun broke the ten-year truce agreed in 1281 to attack Tripoli. When he stormed the city the entire population was massacred or enslaved with great cruelty – it is recorded that an English Franciscan's arms were cut off. In 1291 Acre fell by storm with an appalling massacre, but even then al Ashraf was prepared to accept the surrender and evacuation of the Templar fort; however, the arrangement miscarried and in the end its garrison was massacred.³⁰

William of Tyre was quite right to say that war between men of different religions had a bitter edge, but there were occasions, even within Catholic Europe, when war between Christians could reach extraordinary extremes. However, in East and West practical military necessity usually obliged all sides to support the conventions of surrender, though in war between Christian and Muslim the terms were generally much harsher than in other kinds of war. It was, in all circumstances, well understood, however, that any fortress that held out to the end was at

³⁰ On Ain-Jalut see Irwin, *Early Mamluk Sultanate*, 33–4; for a summary of the fall of the crusader principalities see Runciman, 'The Crusader States 1243–91', 557–98 and Bradbury, *Medieval Siege*, 201–4; Kennedy, *Crusader Castles*, 148–9, 177–9; J. Stevenson (ed.), *Chronicon de Lanercost* (Edinburgh, 1839), 128–31.

its attackers' mercy. More generally, the earlier the besieged gave in, the better the terms they could negotiate. It was in the military interests of both sides to adhere to such conventions of war. But such was the highly charged tension between Christianity and Islam in the Holy Land that both sides sometimes ignored them or committed acts of bad faith. Occasionally, particular circumstances prevented the implementation of surrender terms, and its mechanics were always precarious. Overall, nevertheless, what is surprising is that the conventions of surrender were, for the most part, observed, despite the exigencies of hatred and ideology. They were observed because they were a matter of practical military necessity.

10 Paying the Danegeld: Anglo-Saxon peacemaking with vikings

Richard Abels

It is always a temptation for an armed and agile nation
To call upon a neighbour and to say:-
'We invaded you last night – we are quite prepared to fight,
Unless you pay us cash to go away'.

It is always a temptation to a rich and lazy nation,
To puff and look important and to say:-
'Though we know we should defeat you, we have not the time
to meet you.
We will therefore pay you cash to go away'.

And that is called paying the Dane-geld;
But we've proved it again and again,
That if once you have paid him the Dane-geld
You never get rid of the Dane.¹

Rudyard Kipling, 'Dane-geld (A.D. 980–1016)'

When Rudyard Kipling penned these lines in 1911, he was drawing what he thought to be enduring moral and political lessons learned from the failed attempt of Æthelred II 'the Unready' to purchase peace from the vikings. Though clearly writing for his contemporaries, Kipling could claim that his poem was true in spirit to the main narrative source for Æthelred's reign, the C-recension of the Anglo-Saxon Chronicle. Kipling, after all, echoed the Chronicler's own assessment of the folly of paying tribute and placing trust in vikings to abide by their agreements:

All these disasters befell us through bad policy, in that they [the vikings] were never offered tribute [*gafol*] in time nor fought against; but when they had done most to our injury, truce and peace [*grið & frið*] were made with them; and for

¹ 'Dane-geld (A.D. 980–1016)' [1911], in *The Works of Rudyard Kipling*, The Wordsworth Poetic Library (Ware, Hertfordshire, 1994), 712–13. I am grateful to Simon Keynes, Niels Lunds, Bruce O'Brien, Patrick Wormald, Gareth Williams and Paul Kershaw for their careful reading and invaluable criticisms of drafts of this chapter. I would also like to thank my colleagues in the Washington Area Medievalists Seminar and in the Naval Academy Works in Progress Seminar for their helpful suggestions.

all this truce and tribute they journeyed none the less in bands everywhere, and harried our wretched people, and plundered and killed them.²

Even closer in spirit to Kipling is the poem of the battle of Maldon. When a viking messenger offers to spare the English 'this onslaught of spears' in return for gold, the poet has Ealdorman Byrthnoth defiantly respond: 'Messenger of the seamen, report back! Tell your people . . . here stands with his company an earl of unstained reputation, who intends to defend this homeland, the kingdom of Æthelred, my lord's people and his country . . . It appears to me too shameful that you should return to your ships with our money unopposed . . . You will not gain treasure so easily: spear and sword must first arbitrate between us, the grim game of battle, before we pay tribute.'³ One cannot help but think of the quite different responses of Eadric Streona and Ælfric Darling, whose treacheries were to sound a *leitmotif* in the Anglo-Saxon Chronicle's account of Æthelred's reign, or even of Archbishop Sigeric, who, according to the Chronicler, was the first to advise payment of tribute after the defeat at Maldon.

All three authors had the benefit of hindsight in condemning the payment of 'danegeld'.⁴ They knew that the story would end badly with the conquest of the kingdom, despite many thousands of pounds paid to various viking fleets. Archbishop Sigeric and the others who had counselled Æthelred to buy peace with gold thus helped saddle the king with his lasting, if often misunderstood, punning nickname, *Unræd*, the 'ill-advised'. For Kipling and his contemporaries, no less than for the Maldon poet, the proper way to deal with vikings and other 'armed and agile nations' was with the sword, as the Victorians' and Edwardians' favourite Anglo-Saxon king, Alfred the Great, had done.⁵ In thinking this, they ignored Alfred's own payments of tribute to Danish chieftains

² *Anglo-Saxon Chronicle* (abbr. *ASC*), s.a. 1011 (C, D, E), in *English Historical Documents* (abbr. *EHD*), vol. 1: c. 500–1042, ed. Dorothy Whitelock, 2nd edn (London, 1979). For the Anglo-Saxon text, see C. Plummer (ed.), *Two of the Saxon Chronicles Parallel*, 2 vols. (Oxford, 1892), vol. 1, 141.

³ 'The Battle of Maldon', lines 25–61, in D. Scragg (ed.), *The Battle of Maldon AD 991* (Oxford, 1991), 18–21.

⁴ Danegeld, though commonly used to designate all tribute paid to vikings, properly refers to the annual *heregeld* tax instituted by King Æthelred in 1012 in order to pay for Thorkell the Tall's mercenary fleet. See S. Keynes, 'The Historical Context of the Battle of Maldon', in D. Scragg (ed.), *The Battle of Maldon AD 991* (Oxford, 1991), 81–113 at 101.

⁵ Typical is T. Hodgkin, *The History of England from the Earliest Times to the Norman Conquest* (London and New York, 1920), 373–4, where Æthelred's very sanity is questioned. For Æthelred's *Nachleben* see S. Keynes, 'The Declining Reputation of King Æthelred the Unready', in D. Hill (ed.), *Æthelred the Unready: Papers from the Millennium Conference*, British Archaeological Reports, British ser. 59 (Oxford, 1978), 227–53; Keynes, 'A Tale of Two Kings: Alfred the Great and Æthelred the Unready', *Transactions of the Royal Historical Society*, 5th series, 36 (1986), 195–217.

before Edington – easily done, given the discreet silence of the Anglo-Saxon Chronicle – and Æthelred's impressive, if ultimately futile, attempts to reorganise the military resources of his realm.⁶ Despite a valiant effort by Simon Keynes to present a more balanced portrayal of Æthelred II, most modern historians have shared the disapproval of the Chronicler and the Maldon poet for what they deem in retrospect to be a misguided attempt at appeasement.⁷ As Keynes himself pointed out, 'no amount of special pleading can alter the fact that Alfred survived his viking onslaught whereas Æthelred did not'.⁸ But the story is not nearly this simple. Æthelred had his successes at peacemaking – notably with Olaf Tryggvason, Thorkell the Tall and Olaf Haraldsson (St Olaf) – and Alfred his failures. What determined success and failure in these attempts to make peace with viking leaders and Scandinavian rulers is the topic of this chapter.

Peacemaking was as complex and culturally conditioned an activity in Anglo-Saxon England as waging war. In assessing the effectiveness of Anglo-Saxon rulers' peace negotiations with vikings, we must not only understand what 'peace' meant to each party, but appreciate fully the political contexts of these negotiations, treaties and truces. Peace, like war, moreover, involves two parties. Historians have tended to treat vikings as interchangeable, as a fixed constant against which to compare Anglo-Saxon variables. I would suggest that viking *heres* and their leaders differed in their goals and circumstances as much as their Anglo-Saxon adversaries. Alfred succeeded in his negotiations with Guthrum in 878, and Æthelred in his with Olaf Tryggvason in 994, in large measure because of the benefits peace had to offer these erstwhile viking marauders. Conversely, English kings failed when they had to deal with viking chieftains who had little to gain from forging anything more than a temporary truce. To make a successful 'peace' with vikings, English kings, like their Continental contemporaries, had to transform predatory raiders into territorial rulers. For Alfred the Great and his successors, this entailed acculturating erstwhile pagan enemies and transforming them into recognisable and predictable personae with whom they could do business.

As Ryan Lavelle and Niels Lund have cogently argued, early medieval Englishmen and Scandinavians conceived of peace as an active

⁶ See R. Abels, 'English Tactics, Strategy and Military Organization in the Late Tenth Century', in Scragg (ed.), *The Battle of Maldon AD 991*, 143–54 at 144–5.

⁷ Keynes, 'Tale of Two Kings', 201.

⁸ *Ibid.*, 205.

state, 'limited by time and space, often to a defined group of people', and not merely as the temporary absence of hostilities.⁹ Though the terms *frið*, *gríð* and *sibb* are used in some Old English texts, notably religious tracts, to represent general conditions of tranquillity and concord, most often they denote the establishment of a specific relationship contracted between the rulers of peoples and applying to the peoples themselves.¹⁰ The late ninth-century Old English Orosius is particularly illuminating. The anonymous author, who was perhaps associated with Alfred's court, observes in an original passage that 'before Christianity, no people, of its own will, sought peace (*frið*) from another, unless compelled by need; nor did any people seek peace from another by gold, or by silver or by any treasure, without being subjugated. But since Christ was born, who is the harmony and peace (*sibb & frið*) of the whole world, men may not only release themselves from slavery by paying cash, but peoples may also enjoy peaceful relations (*gesibbsume*) without enslaving each other'.¹¹ (There is an interesting resemblance here to King Alfred's idea, expressed in the introduction to his law code (Intr. 49.7), that Christ's teachings had so infused mercy into the law that the first offence for every crime, excepting treachery to a lord, may now be compensated with monetary payment.)¹² Like St Augustine and Prudentius, whose *Psychomachia* was so popular in England from the late ninth century on, the English translator of Orosius thought that earthly

⁹ R. Lavelle, 'Towards a Political Contextualization of Peacemaking and Peace Agreements in Anglo-Saxon England', in D. Wolfthal (ed.), *Peace and Negotiation: Strategies for Coexistence in the Middle Ages and the Renaissance, Arizona Studies in the Middle Ages and Renaissance* 4 (2000), 39–55 at 40–1. N. Lund, 'Peace and Non-Peace in the Viking Age: Ottar in Biarmaland, the Rus in Byzantium, and Danes and Norwegians in England', in J. E. Knirk (ed.), *Proceedings of the 10th Viking Conference: Larkollen, Norway, 1985* (Oslo, 1987), 255–69 at 256. In Viking-age Scandinavia, there were special 'peace-enclosures', *frið-garðar*, marked out with hazel poles and holy ropes, in which no weapon could be drawn and no violence was allowed. There were, however, other competing conceptions of peace in the early Middle Ages, in which it was a passive state marked by the absence of violence. See P. Kershaw, *Peaceful like Solomon: The Image and Practice of the Peacemaking King in the Early Medieval West*, Part 1: Frameworks (Oxford, forthcoming). I would like to thank Paul Kershaw for generously sharing with me chapters from his important forthcoming monograph.

¹⁰ In this context it is suggestive that the Old English words for peace, *frið* and *sibb*, are etymologically related to terms connoting friendship and kinship. See D. A. Green, *Language and History in the Early Germanic World* (Cambridge, 1998), 52–62; R. Abels, *Alfred the Great: War, Kingship and Culture in Anglo-Saxon England* (London, 1998), 102.

¹¹ J. Bately (ed.), *The Old English Orosius*, Early English Text Society (Oxford, 1980), I.x, 31.

¹² F. Liebermann, (ed.), *Die Gesetze der Angelsachsen*, 3 vols. (Halle, 1903–16), vol. 1, 15–89; S. Keynes and M. Lapidge (eds.), *Alfred the Great: Asser's Life of King Alfred and Other Contemporary Sources* (London, 1983), 163–4.

peace was often sought through war.¹³ This view was shared by the highly influential ninth-century Carolingian intellectual Sedulius Scottus, who quoted Augustine in his *Collectaneum* to the effect that domestic peace is an ordered agreement concerning command and obedience, and that the essence of peace is found in the tranquillity of order.¹⁴ Sedulius tellingly rounded out these Augustinian maxims with one drawn from Statius' *Thebais*: 'Peace is sought by savage arms.'¹⁵ Peace here is not simply the absence of warfare, but a hierarchical relationship ordering a kingdom or contracted between two peoples, usually involving the subordination of one. The introduction of Christianity did not alter this; rather, it permitted weaker kingdoms to avoid war and subjugation by paying tribute to more powerful neighbours, thereby presumably acknowledging their overlordship. Thus Christian peoples, unlike pagans, could 'enjoy peaceful relations without enslaving one another'.¹⁶

Peace for the Anglo-Saxons derived from the power and authority to impose order and provide protection.¹⁷ Except for the *frīð* of God, whose power is unlimited, a 'peace' was conceived to be the product of a transaction or relationship circumscribed in time and place. Tenth- and eleventh-century law codes represented the king's *frīð* as encompassing general public order and the maintenance of law within the

¹³ Cf. Augustine, *City of God*, xix.12. Prudentius' fourth-century allegory the *Psychomachia* represents the life of the soul as inner warfare against sin. In gory detail it depicts the violent overthrow of vices by virtues, culminating in the peace of the soul, disturbed by *Discordia* and restored by *Discordia's* defeat by *Fides* and the other virtues. M. Cunningham (ed.), *Aurelii Prudentii Clementis Carmina*, Corpus Christianorum, Series Latina 126 (Turnhout, 1966), lines. 631–729. For the popularity of the poem in Anglo-Saxon England, see J. P. Hermann, *Allegories of War: Language and Violence in Old English Poetry* (Ann Arbor, 1989), 17–36; G. R. Wieland, 'The Anglo-Saxon Manuscripts of Prudentius' *Psychomachia*', *Anglo-Saxon England* 16 (1987), 213–31, and the same author's 'The Origins and Development of the Anglo-Saxon *Psychomachia* Illustrations', *Anglo-Saxon England* 26 (1997), 169–86.

¹⁴ Sedulius Scottus, *Collectaneum Miscellaneum*, ed. D. Simpson, Corpus Christianorum, Continuatio Mediaevalis 67 (Turnhout, 1988); with a Supplementum by François Dolbeau (Turnhout, 1990), LX no. 6; LXXX 29, nos. 6, 8, 339. For Sedulius Scottus' writings about peace, see P. Kershaw, *Peaceful like Solomon*, introduction (forthcoming).

¹⁵ *Collectaneum* LXXX. 19.7.

¹⁶ The Church played an active role in encouraging peaceful settlements of disputes between kingdoms in early England. See, e.g., Bede, *Ecclesiastical History*, ed. B. Colgrave and R. A. B. Mynors (Oxford, 1969), bk 4, ch. 20, for Archbishop Theodore's negotiations to restore peace between King Ecgfrith of Northumbria and Æthelred, King of the Mercians, after the battle of the Trent.

¹⁷ For *frīð* as protection, see, e.g., II Atr 2–3. The *ASC* s.a. 825 has the King of the East Angles and the people appeal to King Egbert of Wessex for 'peace and protection' (*to frīðe & to mundboran*) out of fear of the Mercians.

realm.¹⁸ Royal authority upheld the special peace that was to prevail in specific places – churches, courts and assemblies, and even alehouses.¹⁹ By Æthelred II's reign, ealdormen, reeves and even individuals endowed with rights of sake and soke were charged with maintaining *frið* and *grið* within their spheres of jurisdiction.²⁰ That private landowners should possess rights and responsibilities of *frið* was well established by the late tenth century. As King Edmund proclaimed around 944 'every man shall act as surety (*credibiles*) for his men and all those who are in his peace and on his land (*in pace et terra sua sunt*)'.²¹ This was the royal vision of 'peace' as delegated authority to uphold law and order. For the lords themselves peace meant upholding their *mund*, the protection they extended to their dependants. This was so intrinsic to the social fabric of the late ninth century that King Alfred assumed in his *Boethius* that all men with property would court the protection (*oleccan ðæm æfter friðe*) of those with more.²²

To be in one's *frið*, then, was to be under protection. This is the key to the meaning of *unfrið* in King Æthelred's truce with Olaf Tryggvason and his *here*. The term does not mean, as one might expect, being in a state of hostility. Rather, *unfrið* denotes those not party to the treaty.²³ 'A merchant ship (*ceapscip*)', we are told, 'which enters an estuary, even if it be an *unfriðscyp*, shall be afforded protection (*frið hæbbe*), provided it is not driven ashore.'²⁴ Clearly *unfriðscyp* here refers not to the hostile intention of the crew but to the ship's origin in a region that lay outside the authority of either Æthelred or Olaf, just as *friðmanna* in the same text denotes those party to the treaty.²⁵ Indeed, *frið*'s primary meaning in this text is protection.

¹⁸ E.g. II Edw 1; V As. Pre.; VI As 8 § 4, § 7, § 9, 10, 12; III As 2, 5; II Edm 5; IV Edg 2, 12 § 1, 14 § 1, 15, 16; I Atr. Pre.; III Atr Pre.; V Atr 1 § 1, 26; II Cn 8; (for *grið*): III Edm 7 § 1; III Atr 1 § 1; VIII Atr 1; II Cn 82. On the mini-code *Pax* defining the sphere of the king's *frið*, see P. Wormald, *The Making of English Law: King Alfred to the Twelfth Century*, vol. 1: *Legislation and its Limits* (Oxford, 1999), 322–3, 371–2. Cf. Bede, *Ecclesiastical History of the English People* [*HE* hereafter], bk 1, ch. 16, on the peace that prevailed during the reign of Edwin of Northumbria.

¹⁹ See especially Æthelred's Wantage Code (III Atr 1, § 1–2). For *ciric frið* (i.e. sanctuary within churches): Ath 1; Alf 2 § 1; 5 § 4; VI Atr 13; VIII Atr 1, § 1; 5, § 1 (churches' *grið*); *frið socne*: VIII Atr 1 § 1; I Cn 2 § 3.

²⁰ E.g. III Atr 1 § 1; II Cnut 15. See Bruce O'Brien, *God's Peace and King's Peace* (Philadelphia, 1999), 73.

²¹ III Edm 7.

²² W. J. Sedgefield (ed.), *King Alfred's Old English Version of Boethius* 'De Consolatione Philosophiae', (Oxford, 1899), chs. 26, 60.

²³ C. Fell, 'Unfrið: An Approach to a Definition', *Saga Book of the Viking Society* 21 (1982–3), 85–100. See also the discussion by Wormald, *Making of English Law*, 326–7.

²⁴ II Atr 2; *EHD* I, nos 43, 438.

²⁵ II Atr 3, § 1.

Peacemaking with vikings presented ninth- and tenth-century Anglo-Saxon kings with both conceptual and practical problems. Peacemaking among the Anglo-Saxons was a liminal event.²⁶ *Feondscipe* was converted by ritual into *freondscipe*. Oath-taking not only placed the new relationship under God's *mund*, it also was a solemn public ritual that both signified and effected the transformation of the parties from enemies to friends. This may explain why peacemaking was so often secured by marriage.²⁷ The conception of peace in early England thus presupposed an ordered and harmonious relationship in which one ruler recognised either the authority of another and placed himself and his people under the other's protection, or the two rulers entered into a friendship modelled on kinship relations that was to include their people.²⁸

Viking chieftains, however, were not usually territorial kings and their forces were not a 'people'.²⁹ The leaders of viking *heres*, whether termed 'king' or not, were closer in spirit and purpose to the youthful St Guthlac and the young Cædwalla than to a ninth-century English king. We should not be misled here by the reification of the *micel here* in the *Anglo-Saxon Chronicle* into the 'Great Army' of modern historiography; the viking fleets with which Alfred and his contemporaries tried to come to terms are better conceived of as war bands than 'armies'. It is unlikely

²⁶ For the concept of liminality, see V. Turner, *The Ritual Process: Structure and Anti-Structure* (Ithaca, NY, 1969), 94–130, 166–78. See also A van Gennep, *The Rites of Passage* (1909), trans. M. B. Vizedom and G. L. Caffee (London, 1960).

²⁷ Ninth-century Danish kings also used oaths (upon their weapons rather than relics) and gift-giving to secure peace agreements. See, e.g., *Annals of Fulda*, s.a. 873. For diplomatic marriages, see, e.g., Bede, *HE*, II.9, 12; III. 1, 11, 21, 24; IV. 19; Asser on West Saxon and Mercian marriages, and *ASC*; also 'peace-weaving' in *Beowulf*, J. M. Hill, *The Cultural World in Beowulf: Anthropological Horizons* (Toronto, 1995), 25–7. Æthelstan was particularly active in brokering political marriages. He married off his half-sisters to King Charles the Simple of West Francia, Duke Hugh the Great, Emperor Otto I and, perhaps most interestingly, Sihtric Cœch, the Scandinavian King of York. *ASC* 'D', s.a. 926.

²⁸ D. Dumville, 'Kinship, Genealogies and Regnal Lists', made the interesting observation that the early links of Anglo-Saxon royal pedigrees are constructions designed to create a distant kinship relationship between ruling houses. The genealogies of subordinated kings were reshaped to conform to those of their overlords. In P. H. Sawyer and I. N. Wood (eds.), *Early Medieval Kingship* (Leeds, 1997), 72–104, esp. 78–84.

²⁹ Ninth-century territorial Danish kings, on the other hand, also understood the relationship between peace and kinship. See *Annals of Fulda: Ninth-Century Histories*, vol. II, ed. and trans. Timothy Reuter (Manchester and New York, 1992), 71; F. Kurze, (ed.), *Annales Fuldenses, MGH SRG* (Hanover, 1891), s.a. 873, where the Danish king Sigifrid and his brother Halbden send emissaries to Louis the German to plead with him to treat the royal brothers 'as if they were his sons, while they for their part would venerate him as a father all the days of his life' (*ut rex dominos suos, supradictos scilicet reges, in loco filiorum habere dignaretur, et illi eum quasi patrem venarari vellent cunctis diebus vitae suae*).

that the various and disparate companies of vikings operating along the rivers of Francia in the second half of the ninth century suddenly gained cohesion, discipline, strategy and organisation when they reached the shores of Britain. Certainly, viking bands could join together for mutual profit, but these composite forces were temporary and in constant flux. The *micel here* that gathered in East Anglia in 865, like the viking forces that besieged Paris twenty years later, was probably a fluid and shifting combination of individual fleets.³⁰

The practical problems arising from the nature of the viking threat were daunting. Making 'peace' with one viking band did not guarantee against attack by another. Nor did it necessarily protect one against renewed attacks by these very same 'pacified' vikings. The northmen appeared treacherous in the extreme to Anglo-Saxon and Frankish observers. Partly this was a consequence of differences in the culture of honour. To judge by the chronicles and sagas, vikings prized trickery and deceit when directed against enemies and prey. Odin, a god known for his treachery, obtained the gift of poetry for man by forswearing the oath he took 'on the holy ring' to the giant Suttung.³¹ Anglo-Saxon peacemaking was secured by sacred oaths and the exchange of hostages.³² Although the evidence is fragmentary and late, oath ceremonies also apparently played an important role in pagan Scandinavian dispute settlement. Ninth- and tenth-century pagan Scandinavian and Christian rulers from England to Russia made treaties in which oaths figured prominently.³³ But there was a difference between peace negotiations among princes of settled peoples and negotiations with bands of marauders. Again and again, ninth-century pagan vikings shocked Anglo-Saxons with their blithe disregard for oaths sworn on Christian relics and with their apparent indifference to the fate of the hostages they gave as guarantees for their good behaviour.

³⁰ See R. Abels, 'Alfred the Great, the *Micel Hæðen Here* and the Viking Threat', in T. Reuter (ed.), *Alfred the Great: Papers from the Eleventh-Centenary Conferences*, Studies in Early Medieval Britain (Aldershot, Hants and Burlington, VT, 2003), 265–79.

³¹ *Havamal*, quoted in R. I. Page, *Chronicles of the Vikings: Records, Memorial and Myths* (Toronto, 1995), 193.

³² For the role played by hostages in guaranteeing peace agreements in Anglo-Saxon England, see Ryan Lavelle, 'The Use and Abuse of Hostages in Later Anglo-Saxon England', *Early Medieval Europe* 14 (2006), 269–96 at 274–84, 286–92.

³³ The evidence is surveyed by Martina Stein-Wilkeshuis in 'Scandinavians Swearing Oaths in Tenth-Century Russia: Pagans and Christians', *Journal of Medieval History* 28 (2002), 155–68. On the use of oaths in viking-age Scandinavia to secure submission and fidelity and for the settlement of disputes, see the Viking Answer Lady (Christie Ward), 'In Service to the Crown: Warriors' Oaths to the King' (<http://www.vikinganswerlady.com/oaths.shtml>).

Realising the inefficacy of Christian oaths, Alfred countered with the ingenious (though not unique) idea of requiring the vikings he besieged at Wareham in 876 to swear their oaths on their own 'holy ring'.³⁴ The Wareham vikings proved no more trustworthy than Odin had. For Asser, who tactfully transformed the pagan ritual into a Christian oath taken on holy relics, the outcome was simply one more example of the usual Danish treachery: 'But one night, practising their usual treachery, after their own manner, and paying no heed to the hostages [supposedly "the most important men in the *here* next to the king"], the oath and the promise of faith, they broke the treaty, killed all the hostages they had, and turning away they went unexpectedly to another place, called Exeter ... There they spent the winter.'³⁵ The Mercians had 'made peace' with vikings in 872 and 873, but this also had not prevented the *here* from suddenly breaking the peace in 874, seizing and fortifying Repton and driving King Burgred into exile and pilgrimage.³⁶

How could one make peace with a people who refused to be bound by oaths and who regarded hostages as disposable? The answer, obviously, was not very easily. The most that ninth-century Anglo-Saxon rulers could hope for was a truce and temporary suspension of hostilities, in other words, *grið* rather than *frið*.³⁷ To obtain this, they had to pay cash. While tribute (*gafol*) was quite familiar to Anglo-Saxon kings and played an important role in indigenous peacemaking, protection money probably was not. The first reference to the payment of cash for peace in the Chronicle is in the entry for 865. Viking chieftains had been 'selling

³⁴ As recorded in the late eleventh-/early twelfth-century Russian *Provest' vremennykh let* (the Old Russian *Primary Chronicle*), oaths figured prominently in treaties made by Byzantine emperors with princes of the Rus in 907, 911, 941 and 971. In each of these, the Christian Greeks swore their oaths on 'the Holy Cross and parchment' (i.e. Bible) while the pagan Rus swore 'according to their religion', which entailed laying down 'their shields, their naked swords, their armlets, and their other weapons' and taking an oath before a statue of the god Perun (the Slavic equivalent of the Norse Thor) to observe everything 'inscribed upon this parchment' upon penalty of being accursed of the god and slain by their own weapons. Stein-Wilckshuis, 'Scandinavians Swearing Oaths', 159–62.

³⁵ *Asser's Life of King Alfred*, ed. W. H. Stevenson (Oxford, 1904), ch. 49, 37: 'Sed, more suo, solita fallacia utens, ...'. See R. Abels, 'King Alfred's Peace-Making Strategies with the Vikings', *Haskins Society Journal* 3 (1991), 23–34.

³⁶ *ASC* s.a. 872–4.

³⁷ In early medieval Scandinavia, the primary meaning of *grið* was a truce or agreement to suspend hostilities. *Grið* was absorbed into English in the late tenth century, and was often used in law codes in a jingling pairing with *frið*. Christine Fell has argued persuasively that *frið* and *grið* were synonymous in late tenth- and early eleventh-century texts and had the same range of meanings from general peace to peace agreement. Fell, 'Unfrið: An Approach to a Definition'.

truces' to Frankish kings since 845.³⁸ Since the composition and leadership of the viking companies that ravaged Francia and England often overlapped, it is not surprising that Scandinavian raiders in the mid-860s would carry the practice with them across the Channel and extort tribute from their English hosts. The disapproval of Kipling notwithstanding, the payment of tribute held attractions for ninth-century Frankish and English kings. Purchasing peace was often an eminently sensible solution to an immediate viking problem: less costly in many cases than loss of cattle, crops and people from viking ravaging, and more certain than risking battle – assuming one could bring viking bands to battle. For Charles the Bald it had the additional attraction of freeing his forces to guard against the even greater threats presented by his kinsmen and nobles.³⁹

The fly in the ointment was the unreliable character of viking peace-makers. Ninth-century viking bands sought loot more than glory or conquest. To receive the wealth without risking life and booty was desirable, but only if they thought they could gain more that way than through pillaging.⁴⁰ In the very first reference to peacemaking with vikings in the Anglo-Saxon Chronicle, we are told that a *here* encamped on Thanet in the autumn of 864 made peace with the people of Kent in return for a promise of money. Nonetheless, 'like crafty foxes' (in Asser's words), the vikings stole away inland by night and ravaged all eastern Kent. Asser explained: 'they broke the truce (*foedus*) and spurned the promise of money because they knew they could get more money from stolen booty than from peace (*pace*)'.⁴¹ Asser's use of *foedus* to render the

³⁸ E. Joranson, *The Danegeld in France*, doctoral dissertation for the University of Chicago (Rock Island, IL, 1923), ch. 1. Cf. J. L. Nelson, 'The Frankish Empire', in P. Sawyer (ed.), *The Oxford Illustrated History of the Vikings* (Oxford, 1997), 40–1, who suggests that Ragnar's raid was revenge for Charles having revoked his gift of land near Turhold in Frisia, and Charles's payment of 7,000 pounds was compensation for that injury. Between 866 and 877 some 30,000 pounds of silver – nearly 7 million pennies – was paid over to vikings by the Franks. Nelson, *ibid.*, 37.

³⁹ See Simon Coupland, 'The Frankish Tribute Payments to the Vikings and their Consequences', *Francia* 26 (1999), 57–75. Coupland, intent upon rehabilitating the reputation of vikings, exaggerates the efficacy of purchasing peace from viking bands. For a similar positive view of vikings and their integration into Christian English and Frankish political society, see J. L. Nelson, 'England and the Continent in the Ninth Century: II, The Vikings and Others', *Transactions of the Royal Historical Society* 13 (2003), 1–28.

⁴⁰ Nelson points out that the 'orientation of Viking warlords' activities [was] homewards towards *Nordmannia*. The gold and silver extorted from Frankish and English rulers was used to enhance one's status at home. For would-be kings, the treasure brought back was used to impress other nobles and to recruit men to help contend for the kingdom. *Ibid.*, 21.

⁴¹ Asser, *Life of King Alfred*, ch. 20; Keynes and Lapidge, *Alfred the Great*, 74. Cf. *ASC* s.a. 865.

Chronicle's *frið* here and in his notice for 876 is suggestive; the Welshman did not see these transactions as establishing lasting peace but only a temporary suspension of hostilities for a defined period of time.⁴²

As Alfred discovered after Edington, what was required for establishing a firm peace was clear military superiority (a lesson that Charles the Bald had previously learned from his dealings with the viking warlord Weland).⁴³ This, too, may have been culturally conditioned. Though there is scanty evidence for viking attitudes towards the princes who paid them tribute in the ninth century, later sources present resolutions of conflict in which the weaker party purchases peace as cowardly and shameful. The terms associated in the sagas with such individuals are *nið*, *argr*, and *ragr*, words that connote willingness to be used sexually by other men. The terms were so offensive that the Icelandic law book *Grágas* allowed the injured party to refuse monetary compensation and redeem his honour by killing the slanderer.⁴⁴ A dichotomy between 'manly' Northmen and effeminate Franks colours Dudo of St Quentin's early eleventh-century presentation of Rollo's 'submission' to Charles the Simple. The language Dudo used to describe Rollo's comic upending of his new royal lord during the homage ceremony has overtones that challenge Charles's manliness. Nor is this an isolated instance in the *Gesta Normannorum*. Dudo, as Klaus van Eickels has noted, not only pointedly contrasts virile vikings with womanly Franks, but is unique among Frankish authors in his repeated use of the adjective *effeminatus*, suggesting perhaps a Scandinavian origin for this characterisation.⁴⁵ If that is the way in which vikings regarded those who attempted to buy them off, the payment of tribute in the long run may have promoted contempt for Frankish and English rulers and their warriors and hence further viking activity. Alfred's decisive victory at Edington and the resolution he showed in its aftermath did more than oust Guthrum from

⁴² Lavelle, 'Peacemaking', 49.

⁴³ J. Nelson (ed.), *The Annals of St-Bertin: Ninth-Century Histories*, vol. 1 (Manchester, 1991), s.a. 860–2, 863.

⁴⁴ *Grágas*, *Staðarhólsbók* (1879), 392, cited by F. Ström, *Nið, Ergi and Old Norse Moral Attitudes*, The Dorothea Coke Memorial Lecture in Northern Studies delivered at University College London 10 May 1973 (London, 1974), 6. See also P. Meulengracht Sørensen's discussion of sexual insults in the sagas, *The Unmanly Man: Concepts of Sexual Defamation in Early Northern Society*, trans. J. Turville-Petre (Odense, 1983). I would like to thank Ken Baitsholts and Klaus van Eickels for insights into the possible relationship between *ragr* and perceived reluctance to defend oneself with force.

⁴⁵ K. van Eickels, 'Virile Invaders, Effeminate Franks: Norman Masculinity and Carolingian Order in Dudo of St Quentin', 20th Annual Conference of the Charles Homer Haskins Society, Ithaca, NY, 29 October 2001 (unpublished).

his stronghold in Chippenham; it won the king the respect necessary to deal effectively with a viking chieftain. Unlike the earlier occasion at Wareham, Alfred did not negotiate a peace at Chippenham but imposed it on the Danes. Rather than exchange hostages, Alfred now took from them 'as many chosen hostages as he wanted', and only after they had been handed over was he willing to allow Guthrum to swear an oath to leave his kingdom immediately.⁴⁶

But a battlefield victory was not sufficient in itself. The pagan vikings were profoundly alien to the English, and so long as they remained so, the prospect of a lasting peace between them was dim. The power and respect that accrued from victory, however, provided a basis for a solution. English kings could overcome this cultural divide by converting their erstwhile pagan foes, not simply into Christians, though that was a *sine qua non*, but, just as importantly, into territorial kings with whom they could deal. This was precisely the strategy Alfred adopted for making peace with Guthrum after his victory at Edington.⁴⁷ By raising Guthrum from the font and christening his spiritual son with the name of his dead older brother Æthelstan, Alfred not only received Guthrum to God but welcomed him into the political community of English rulers. In an anthropological sense, Guthrum had undergone a rite of passage marked by sacred ritual – oath-taking, baptism, sponsorship, the binding and unbinding of chrism⁴⁸ – which erased his identity as a viking raider and incorporated him into a holy community of equal individuals, the Christian brotherhood, and re-envisioned him as a Christian king.⁴⁹ The twelve days that Alfred entertained Guthrum at Wedmore emphasised their friendship, while the gifts that he lavished upon Guthrum and his thirty followers reinforced Guthrum's position of subordination. (The 'tribute' exacted by the viking Guthrum and the gifts gratefully accepted by the Christian 'Æthelstan' form an interesting contrast. As the anthropologist Marcel Mauss observed many years ago, the acceptance of a gift can function as a recognition of subordination.) In this view, the written treaty between 'King Alfred and King Guthrum and the councillors of all the English race and all the people who are in East Anglia' complemented and completed the religious ceremonies at Aller

⁴⁶ Asser, *King Alfred*, ch. 56; Keynes and Lapidge, *Alfred the Great*, 84. On the giving of hostages as an acknowledgement of the superiority of the recipient, see Lavelle, 'Hostages in Later Anglo-Saxon England', 274–84, 286–7.

⁴⁷ Abels, 'King Alfred's Peace-Making'. See also I. Abels, *Alfred the Great*, 164–8.

⁴⁸ *ASC* s.a. 878; Asser, *King Alfred*, ch. 56, ed. Stevenson, 47.

⁴⁹ On liminality and rites of passage, see Turner, *Ritual Process*, 94–102, 166–70, and van Gennep, *Rites of Passage*. The conception of rites of passage usually refers to changes in status of an individual within a society, but the idea is equally applicable, I believe, to the condition of peacemaking.

and Wedmore.⁵⁰ What Alfred obtained was a neighbour who, at least for the moment, recognised his superiority and whose kingdom served as a sort of buffer zone guarding the northern borders of his kingdom from new viking incursions. What Guthrum received was legitimacy, a more well-defined and exalted conception of kingship, and peace. The loser in this arrangement was the Mercian King Ceolwulf II, whose own dealings with Guthrum were mocked (and perhaps misrepresented) by a West Saxon Chronicler intent on legitimising Alfred's rule over western Mercia by discrediting its last native king.⁵¹ Ceolwulf's failure was not that he was a 'foolish thegn' and puppet ruler who too readily submitted himself and his kingdom to his Danish masters. It was that he lacked the military wherewithal to deal with Guthrum as Alfred had. And for this he paid a heavy price.

The terms of the Alfred–Guthrum treaty (in the text called the *frið*) have been well studied.⁵² The purpose of the treaty was to secure a firm peace between the two kingdoms by reducing potential areas of conflict. It did so by defining the border between the territories ruled by Guthrum and Alfred (§1), establishing an agreed-upon tariff of wergelds and purgative oaths, set high to discourage violence (§2–3); insuring against cattle rustling and traffic in stolen goods through proper warranty in the sale of horses, oxen and slaves (§4); and regulating movement across the border, in particular by would-be 'traders', whose honest intentions were to be ensured by hostages given 'as a pledge of peace' (*friðe to wedde*) (§5). The treaty brought Scandinavian-ruled East Anglia within the orbit of West Saxon law and 'civilised' Christian society. The two main concerns of the treaty, the establishment of agreed-upon borders and the facilitation of commerce across these borders, were hardly unique to the English context. The *Annals of Fulda* record that in 873

⁵⁰ On *AGu* as representing Guthrum's integration into the English political community and his self-identification as a Christian law-maker, see Abels, *Alfred the Great*, 163–7, and P. Kershaw, 'The Alfred–Guthrum Treaty: Scripting Accommodation and Interaction in Viking-Age England', in Dawn M. Hadley and Julian D. Richards (eds.), *Cultures in Contact: Scandinavian Settlement in England in the Ninth and Tenth Centuries* (Turnhout, 2000), 43–59; G. Halsall, 'Playing by Whose Rules? A Further Look at Viking Atrocity in the Ninth Century', *Medieval History* 2, 2 (1992), 3–12.

⁵¹ *ASC* s.a. 874, 877.

⁵² The text is edited by Liebermann, *Gesetze*, vol. 1, 126–9, and translated and discussed by Keynes and Lapidge, *Alfred the Great*, 171–2, 311–13. See also Wormald, *Making of English Law*, 285–6. Among the more important commentaries are: R. H. C. Davis, 'Alfred and Guthrum's Frontier', *English Historical Review* 97 (1982), 803–10; D. N. Dumville, 'The Treaty of Alfred and Guthrum', in *Wessex and England from Alfred to Edgar: Six Essays on Political, Cultural and Ecclesiastical Revival* (Woodbridge, 1992), 1–27; Lund, 'Peace and Non-Peace', 261–3; Lavelle, 'Peacemaking', 50–2; and, most recently, Kershaw, 'The Alfred–Guthrum Treaty'.

the Danish King Sigifrid dispatched an embassy to King Louis the German to seek 'to make peace over the border disputes between themselves and the Saxons and so that merchants of each kingdom might come and go in peace to the other, bringing merchandise to buy and sell'.⁵³ The suspicion of traders who might in fact be raiders in disguise echoes an earlier law of King Ine and foreshadows Edward's and Æthelstan's attempts to limit commercial transactions to market towns.⁵⁴ The concern that sales, especially of cattle, be properly vouched also drew upon earlier West Saxon law and looked forward to a series of pronouncements by tenth-century English kings, beginning with Edward the Elder.⁵⁵ Perhaps most interestingly, the treaty is couched in Christian terms and secured by sacred oaths. Dane and Englishman alike are admonished to abide by this agreement 'if they care to have God's or the kings' favour'.⁵⁶ That the treaty is presented as issued by both kings is crucial to its ideological message. As Paul Kershaw has observed, 'In as much as law-making was an established act of Christian kingship, an identity that Alfred was to explicate at some length, of course, in the introduction to his later *domboc* (law code), Guthrum's participation in the legislation that *AGu* codified can be seen as a further, complementary strategy by which he sought to project an image of legitimate rulership'.⁵⁷

The key to Alfred's successful peacemaking was a demonstration of military power sufficient to cow Guthrum into at least temporary submission and even, perhaps, to persuade the viking warlord of the superiority of Alfred's Christian God.⁵⁸ Alfred failed when he attempted to duplicate this success in 893 with the viking chieftain Hasteinn when he and Ealdorman Æthelred stood sponsor for Hasteinn's sons and showered the veteran pirate with gifts. The reason seems clear: Alfred had not yet impressed upon the newcomer the strength of his reorganised military. Alfred's son and successor, Edward the Elder, learned this lesson well, and went one better than his father. Using *fyrð* and borough, he threatened and bullied the *heres* settled in the Danelaw into accepting his peace and lordship. 'And when that division of the English army went home', the Chronicler reports in his notice of Edward's campaign of 917, 'the other division came on service and captured the borough at

⁵³ *Annals of Fulda*, s.a. 873, ed. and trans. Reuter, 70.

⁵⁴ Cf. Ine 25; I Edw 1; II As 12, 13 § 1; IV As 2.

⁵⁵ Ine 35 § 1; 47; 75; I Edw 1, § 1-5, II As 24.

⁵⁶ *AGu* Prol; 5.

⁵⁷ Kershaw, 'The Alfred-Guthrum Treaty', 52.

⁵⁸ Asser's narrative, with its key transformation of the vikings' 'holy ring' into Christian relics in its depiction of Alfred's attempt to make peace at Wareham in 876, represents the viking treachery as directed against God as well as Alfred. Similarly, the submission at Wedmore is presented as a submission to God and to his agent Alfred.

Huntingdon, and repaired and restored it by Edward's command where it had been broken; and all the people of that district who had survived submitted to King Edward and asked for his peace and protection (*sohton his frið & his mundbyrde*).⁵⁹ The Chronicler reports how, one after another, the Scandinavian jarls at the head of their principal followers sought the king's lordship:

(914) And Earl Thurcetel came [to Buckingham] and accepted him as his lord (*gesohte him to hlaforde*), and so did all the *holds* and the principal men who belonged to Bedford, and also many of those who belonged to Northampton. (917) And Earl Thurferth and the *holds* submitted to him, and so did all the army which belonged to Northampton, as far north as the Welland, and sought to have him as their lord and protector (*sohton hine him to hlaforde & to mundboran*) . . . And all the army (*here*) in East Anglia swore agreement with him, that they would wish all that he wished, and would keep peace (*friðian*) with all who the king wished to keep peace, both at sea and on the land. And the army which belonged to Cambridge chose him especially as its lord and protector (*geces synderlice him to hlaforde & to mundboran*), and established it with oaths just as he decreed.

As the language of these annals indicates, the Anglo-Saxon Chronicle presents Edward's peacemaking with the *heres* as formal submissions to his lordship, not unlike its depiction of the Mercian king Ceolwulf's oath to his viking lords.⁶⁰ The Chronicle is intent upon emphasising Edward's power. When, two years after his submission, Earl Thurcetel, along with 'the men who were willing to serve him', departed for France, he did so (we are told) 'with King Edward's peace and support (*friðe & fultume*)'.⁶¹ Nonetheless, the transactions were not completely one-sided. Those who submitted received, it appears, significant benefits from their acceptance of Edward as their lord, among which were royal title to and protection for their landholdings. The *Libellus* portion of the *Liber Eliensis* relates how the sons of Boga, a Dane, failed to recover an estate in Huntingdonshire because their kinswoman who had held it in 917 had failed to submit herself in regard to her property in a timely fashion.⁶² This suit not only suggests that those who failed to submit to Edward, or who were tardy in doing so, lost their lands; it also indicates that Danes who 'sought' Edward's lordship received title for their lands through the grant of a 'book'.⁶³

⁵⁹ ASC s.a. 917.

⁶⁰ ASC s.a. 874.

⁶¹ ASC s.a. 916.

⁶² *Liber Eliensis*, ed. E. O. Blake, Camden 3rd series, 92 (London, 1962), bk 2, ch. 25, p. 98.

⁶³ See R. Abels, *Lordship and Military Obligation in Anglo-Saxon England* (London and Los Angeles, 1988), 89–91.

Æthelstan and Edmund continued their father's policy of making peace through force with the Scandinavian rulers of the north, and, like Alfred, insisted upon conversion as a price for his friendship. In 926 Æthelstan forged a political alliance with Sihtric Cáech, the Hiberno-Scandinavian King of York. Sihtric came to Æthelstan's court at Tamworth, underwent baptism and was given one of Æthelstan's sisters in marriage (the only marriage alliance between the House of Wessex and a Scandinavian ruling family prior to Æthelred II's marriage to Emma). By honouring Sihtric with a marriage alliance, Æthelstan publicly accepted the Scandinavian ruler's legitimacy. Nonetheless, the transaction was undoubtedly predicated upon Sihtric's recognition of the English king's military superiority. Upon Sihtric's death in the following year, Æthelstan seized York, driving out the late king's son Olaf and brother Gunfrith, King of Dublin. Æthelstan secured his conquest of Northumbria by coming to an agreement at Eamont, Westmorland, with the kings of the Welsh and the Scots and Ealdred, the independent high reeve of Bamburgh, 'to confirm peace with pledges and oaths (*mid wedde & mid aðum frið gefæstnodon*)'.⁶⁴ Interestingly, he had them renounce *deafolgeld*, idol-worship, an odd condition to the treaty since all these kings were already presumably Christian. By this Æthelstan probably meant both that the kings should not tolerate paganism within their kingdoms and that they should have no dealings with Scandinavian pagan kings.⁶⁵ (King Constantine subsequently violated his oath by allying himself with Olaf against Æthelstan at Brunanburh in 937.) Edmund's dealings with Northumbria are oddly similar to his brother's. Æthelstan's overlordship over the Mercians and Northumbrians died with him. The Northumbrians, preferring Scandinavian to West Saxon rule, invited Olaf to return from Ireland and ascend his father's throne. Edmund responded first by 'redeeming' the Mercians from their 'bonds of captivity to the heathens' in 942, and then turning his attention to Northumbria. After intensive fighting, Edmund established a short-lived peace with Olaf Sihtricson and his cousin Ragnald Gunfrithson in 943, which involved Edmund standing sponsor at Olaf's baptism and Gunfrith's confirmation. A year later, Edmund 'reduced all Northumbria under his rule and drove out the two kings'.⁶⁶ Æthelstan and Edmund, like their father and grandfather, appreciated the importance of the use of

⁶⁴ ASC 'D', s.a. 927.

⁶⁵ ASC 'E', s.a. 927. See discussion by L. Abrams, 'The Conversion of the Danelaw', in J. Graham-Campbell, R. Hall, J. Jesch and D. N. Parsons (eds.), *Vikings and the Danelaw: Select Papers from the Proceedings of the Thirteenth Viking Congress* (Oxford, 2001), 31–44 at 39, 41 n. 19.

⁶⁶ ASC 'C', s.a. 942–4; 'D', s.a. 940–3.

force and Christianisation for making peace with pagan rulers and pacifying annexed regions that had been under Scandinavian rule. But the marriage alliance between Æthelstan and Sihtric was something new and suggests that the House of Wessex now regarded the Scandinavian kings of York (once Christianised) as no different from other territorial rulers.

Edward certainly and his sons probably ratified their peacemaking with written truces, although none survive.⁶⁷ In fact, the only other treaty between an English king and vikings that has been preserved is King Æthelred *Unræd's* with the viking leaders Olaf Tryggvason, Jostein and Guthmund Steita's son, usually designated as *II Æthelred*, though one can suspect that many others have been lost.⁶⁸ A comparison between Alfred's treaty with Guthrum and Æthelred's with Olaf is illuminating. The terms of the two treaties are in general similar. Both are concerned with cattle rustling and escaped slaves. Both establish hefty wergelds to dissuade erstwhile enemies from continuing to kill one another, though Æthelred's *friðmal* even goes further than Alfred's in dismissing without compensation or vengeance 'all the slaughter and all the harrying and all the injuries' committed before the truce was established. Where they differ is in *II Æthelred's* concern with defining the relationship between the English and the *here* after the peace, and explaining who was under the peace, and where and when they were covered.⁶⁹ What is missing – and what explains this specificity – are territorial boundaries. It is not completely clear where the treaty was to apply, particularly in the case of merchants. Clause 3 § 1 reads: 'If a man of King Æthelred under this peace comes to territory not included in the peace, and the army comes there, his ship and all his goods are to have peace.' Sir Frank Stenton was certain that this referred to English merchants abroad; Niels Lund that it referred to areas within England outside the boundaries of the peace. Stenton seems to have the best of this argument. Though, as Lund contends, the treaty was undoubtedly based on local peace agreements previously negotiated by Archbishop Sigeric, Æthelweard, ealdorman of

⁶⁷ Note, for instance, the reference to written treaties [*friðgewritu*] with Scandinavian East Anglia and Northumbria in *II Edward* 5 § 2.

⁶⁸ *II Æthelred* is preserved in a twelfth-century collection of Anglo-Saxon laws and in a twelfth-century Latin translation in the compilation known as *Quadripartitus*. The text is conveniently edited and translated in S. Keynes, 'The Historical Context of the Battle of Maldon', in D. G. Scragg (ed.), *The Battle of Maldon A.D. 991* (Oxford, 1991), 103–7, and in A. J. Robertson (ed. and trans.), *The Laws of the Kings of England from Edmund to Henry I* (Cambridge, 1925), 56–63, 313–18 (notes). *Dunsæte*, the text of a local treaty with a still unidentified Welsh border people from the reign of Æthelstan, has also been preserved. On *Dunsæte*, see Wormald, *Making of English Law*, 381–2, and the commentary by Lavelle, 'Peacemaking', 53–4.

⁶⁹ *II Æthelred* 1 § 1–4.

the western provinces, and Ealdorman Ælfric of Hampshire, that were now extended to the national level, King Æthelred and his advisors may well have also been concerned about possible encounters between merchants and the *here* abroad, including, possibly, in a Norway under Olaf Tryggvason's rule.⁷⁰ Alfred, in short, was making peace with the king of a neighbouring people; Æthelred was making peace with a viking marauder, but, crucially, one with royal aspirations.

This brings us to the historical context of *II Æthelred* and a number of key questions about the treaty. By 994 when the treaty was most likely negotiated,⁷¹ Olaf, Jostein and Guthmund had been successfully pillaging England and taking tribute for three years, without encountering significant military resistance (at least after Maldon). It is clear why Æthelred wanted peace, but why did Olaf and his fellow captains? Furthermore, why did Olaf follow up on the treaty negotiations by accepting King Æthelred's offer to stand sponsor to him at confirmation? And finally, given the tone of the treaty, which implies an ongoing relationship between Æthelred and the *here* akin to Æthelred's later employment of Thorkell the Tall and his fleet of forty-five ships, why did Olaf immediately return to Norway? Most crucially, how did Æthelred prevail against this viking chieftain without having first established his military superiority? To put it another way, what besides 22,000 pounds in gold and silver did Olaf get out of this deal, and why did he abide by its terms after he received the payment?

The answers, I think, have to do with Olaf's subsequent activities in Norway. Like so many other viking warlords in the ninth and tenth centuries, Olaf was a would-be king who went a-viking to obtain the wealth and support necessary to realise his ambitions at home. Olaf made peace with Æthelred because, like Guthrum before him, it held immediate and long-term benefits. If later tradition is to be trusted, Olaf returned to Norway in 995 not only enriched by English cash but accompanied by English missionaries.⁷² Conceivably, this treaty had a dual purpose. On the one hand, it bought off a ravaging *here* and attempted, with mixed results, to convert it into a mercenary army.⁷³ As such, it prefigured Æthelred's subsequent negotiations with Thorkell the Tall.

⁷⁰ F. M. Stenton, *Anglo-Saxon England*, 3rd edn (Oxford, 1971), 541–2. Cf. Lund, 'Peace and Non-Peace', 264–7.

⁷¹ E. V. Gordon, 'The Date of Æthelred's Treaty with the Vikings: Olaf Tryggvason and the Battle of Maldon', *Modern Language Review* 32 (1937), 24–32.

⁷² Lesley Abrams, 'The Anglo-Saxons and the Christianization of Scandinavia', *Anglo-Saxon England* 24 (1995), 213–49 at 220–3.

⁷³ The treaty succeeded at least in obtaining for Æthelred a two-year respite. It was not until 997 that we find a *here* again in England. *ASC* s.a. 997.

Certainly Æthelred saw these erstwhile raiders as potential allies, which led him even to endow some of their leaders, notably the Danish chieftain Pallig, with estates in return for pledges of loyalty.⁷⁴ On the other hand, the treaty may also have been intended to further Olaf's royal ambitions and to provide Æthelred with a foreign ally who could help suppress future viking expeditions from Norway, create domestic problems for Æthelred's other viking foe, Swein of Denmark, and, if need be, provide a fleet to fend off other Scandinavians. That may explain why King Æthelred singled Olaf out for special attention, bringing him to Andover 'with much ceremony', so that the king could stand sponsor to him at confirmation 'and bestow gifts on him royally'. This transaction was among the few that the Chronicler saw retrospectively as successful: 'And then Olaf promised – as also he performed – that he would never come back to England in hostility.'⁷⁵ The Chronicler, however, may have underestimated here what Æthelred hoped to obtain from his dealings with Olaf.

Although it is not specifically labelled as a 'peace treaty', the preface to *Cnut 1018* reads as if the code was intended to be one. Composed by the prolific Archbishop Wulfstan II of York, who was also responsible for drafting the later codes of King Æthelred II as well as those of his Danish successor, *Cnut 1018* announces that it was devised 'as soon as King Cnut, with the advice of his councillors, established peace and friendship (*frið & freondscipe*) between the Danes and the English, and put an end to all their former enmity'. This was to be done by, above all other things, honouring one God, loving King Cnut (just as Wulfstan had previously enjoined the English to love Æthelred) and 'eagerly' embracing the laws of King Edgar.⁷⁶ By invoking Edgar Wulfstan may have been diplomatically passing over Æthelred's unfortunate reign and recalling a time when England enjoyed peace and prosperity.⁷⁷ The code's preface echoes the *Anglo-Saxon Chronicle's* entry for 1018 which explains that Cnut, having received a tribute of 72,000 pounds and having sent part of his fleet back to Denmark, reached 'an agreement' (*sammæle*) with the English at Oxford. The 'D' recension of the Chronicle and John of Worcester add that this agreement was 'according to

⁷⁴ For Pallig, see *ASC* s.a. 1001. Simon Keynes suggests that Pallig received his 'great gifts, in estates and gold and silver' in connection with this treaty. Keynes, 'The Vikings in England: c. 790–1016', in Peter Sawyer (ed), *The Oxford Illustrated History of the Vikings* (Oxford, 1997), 77.

⁷⁵ *ASC* s.a. 994.

⁷⁶ See A. G. Kennedy's edition and commentary, 'Cnut's Law Code of 1018', *Anglo-Saxon England* 11 (1982), 57–81.

⁷⁷ Wormald, *Making of English Law*, 346–7, suggests that the reference to Edgar's laws (echoed in clause 13 of the letter Cnut sent his English subjects from Denmark in 1019/20) was meant to stand 'for a time of prosperity and harmony'.

Edgar's law'.⁷⁸ The bulk of *Cnut 1018*, like the later *I Cnut*, deals with upholding ecclesiastical rights and Christian practices, probably Cnut's way of asserting to his new subjects his *bona fides* as a Christian ruler and his intention of adhering to the laws and customs of his English predecessors. In this context, the forgery known as the 'Edward–Guthrum Treaty' appears to have been one of Archbishop Wulfstan's earliest legal efforts.⁷⁹ In its concern with suppression of paganism, it resembles *I Cnut* and may represent a model ecclesiastical complement to *Alfred–Guthrum's* secular peace. One might even see it as a tacit criticism of *II Æthelred's woruld frið*. For Wulfstan, true 'peace and friendship' was impossible without a reaffirmation of the Christian commonwealth.

The fundamental problems that Anglo-Saxon kings faced in making peace with viking chieftains were cultural and political. The English and viking negotiators, at least in the ninth century, did not share the same interpretation of the transaction. For the English, peace (*frið*) was the establishment of a stable and lasting *freondscipe* relationship; for ninth-century vikings, peace (*grið*) was merely a cessation of hostilities, a promise to refrain from harming another. Whereas English kings thought in terms of 'treaties', vikings thought in terms of 'truces'. The difficulties were exacerbated by the shifting nature of the viking bands and their leaders. The English kings attempted to deal with them as they would English or British territorial rulers. But vikings were not a 'people' and their leaders were not, in the English sense, 'kings'. They were pirate bands led by pirate chieftains. As with the captains of the later medieval *ecorcheurs* and free companies, viking chieftains were interested in loot and pay. They sought no other relationship with their victims, except in those instances when the viking leaders sought to redefine themselves as territorial rulers after the model of their erstwhile enemies. In those cases, peace could be and was made. In short, when viking leaders had something to gain from making and keeping peace with English rulers, they did so. In 880 and 994 peacemaking offered Guthrum and Olaf the surest means by which to obtain kingship. In 1013 Swein also sought a throne, but it was Æthelred's. To secure the throne, Cnut refashioned himself as the model Christian 'English' king, willingly assuming the role that Alfred had attempted to impose upon Guthrum more than a century before.

⁷⁸ Wormald, *Making of English Law*, 131, 346.

⁷⁹ Dorothy Whitelock, 'Wulfstan and the So-Called Laws of Edward and Guthrum', *English Historical Review* 56 (1941), 1–21; Wormald, *Making of English Law*, 389–91.

11 Peace among equals: war and treaties in twelfth-century Europe

Esther Pascua

The aim of this chapter is, by using a comparative approach, to shed light on a specific political development that characterised twelfth-century Western Europe, namely the consolidation of kings as leaders of their territories and people. The chapter explores the clauses of treaties to show that peace assemblies were scenarios where royal power was displayed and where kings co-operated in the attempt to control the nobility.

Not an ordinary occasion

An anthropological reading of twelfth-century treaties shows the profound universe of symbols and meanings, including the text that was issued, hidden behind the ritual and ceremonials of twelfth-century peace assemblies. These meetings gathered together two courts and other representatives such as ambassadors, Roman legates, members of the lay and ecclesiastical aristocracy, palace officials, legal advisors, notaries and scribes. The meetings were very special moments of feasting (*convivia*), time to 'share bread and bed, table and roof'. The very public nature of these meetings made them a particularly suitable occasion to define social positions, prestige and power, rights and obligations. They were ideal opportunities for gestures of loyalty or grievance, of dependency or autonomy, for piety and charity. They were also the perfect time to define and agree proceedings and procedures. The political and military elements, such as an exchange of territories or castles, were only one part of the occasion, which was equally concerned with displays of friendship, trust, politeness and obligations.¹ The larger the audience, the stronger was the impetus of the

¹ M. Mauss, *The Gift: The Forms and Reason for Exchange in Archaic Societies* (London, 1997) (1st edn, 1950). Interesting comments by Mary Douglas in the Foreword: 'the whole idea of a free gift is based on a misunderstanding. There should not be any free gift ... each gift is part of a system of reciprocity in which the honour of giver and recipient are engaged', vii–viii; G. Algazi *et al.* (eds.), *Negotiating the Gift: Pre-Modern Figurations of Exchange* (Göttingen, 2003).

host to show off and honour his guests. The symbols, oaths, gifts and religious paraphernalia that surrounded the formal proceedings were intended to re-establish communication between two small worlds, two royal courts.

All these features place medieval peace treaties close to other forms of agreement in primitive societies, in which collective meals, dancing or fighting, rituals of blood linkage, exchange of women and religious offerings were crucial elements.² The text of a royal treaty itself is part of the ceremonial.³ Solemnity, reputation, prestige and legitimation explain the upper cases at the top of the parchment, the coloured or golden first letter, the *Chrismon*, the invocation to God in profuse preambles that remind the reader of the divine forces that rule the world and the moral obligations of the rulers towards God and their people. The long titles of the king by the grace of God (*Gratia Dei*), the lists of territories under his power, the names of his closer relatives (wives, sisters and heirs) and associates, the witnesses and the royal seals denote the large network of people involved in the pact and hence the power and capacity of the king to collect support.

The structure and content of the treaty documents of this century were very regular. First there appeared the titles of the two kings (*nos ambo reges, gratia Dei . . .*), followed by the definition of the pact, which varied in terminology (*facimus pacem et amicitiam*) and might involve them and their heirs. Then both kings repeated the same text and clauses, the stronger of the two kings coming first. Treaties finished with the guarantees to keep the agreement (castles given by each part, conditions of the tenancy of the fortresses, hostages, punishment), and the oaths taken on the Gospels by both kings and their men.

Most peace treaties were qualified with an extensive combination of words in an attempt to exhaust the rich world of personal relations of medieval society in order to express the total commitment of the parties: *fidem, amorem, caritatem, placitum, amicitiam, convenientiam, concordiam*,

² S. Howell and R. Willis (eds.), *Societies at Peace: Anthropological Perspectives* (New York, 1989); W. Goldschmidt, 'Peacemaking and the Institutions of Peace in Tribal Societies', in L. E. Sponsel and T. Gregor (eds.), *The Anthropology of Peace and Non-Violence* (London, 1994), 109–32.

³ The remarkable increase in documents that occurred in the twelfth century is in itself a fact that needs explanation in terms of the change to a more 'writing-based culture'. See M. T. Clanchy, *From Memory to Written Record: England 1066–1307* (Cambridge, 1979), 12, 149; B. Stock, *The Implications of Literacy: Written Language and Models of Interpretation in the Eleventh and Twelfth Centuries* (Princeton, 1983); J. Goody, *The Logic of Writing and the Organization of Society* (Cambridge, 1986), 19, 120.

pacem, securitas.⁴ Friendship, kinship and feudal ties created a dense web of guarantees between those involved.⁵

There were some regional differences in the terminology used to qualify the nature of the pact, though. The Capetian and Angevin chancelleries issued treaties using the words *conventio, foedus* or *securitas*. In Aquitaine, Languedoc, Provence and Catalonia the common term was *convenientia*, a word used equally for vertical and horizontal relations established by upper and lower local rulers. In Castile and Leon, the most common terms were *fidem et amicitiam, amicitia et concordia*. The Italian city-states usually employed the words *coniuratio* or *arbitrio*. In terms of diplomatic preambles, the most austere and shortest documents were those of Angevin England and the Northern Italian communes. These charters are more focused on the clauses and procedures of the pacts and omit references to family bonds connecting the parties, in contrast to those from the southern European regions. The Iberian treaties repeat the bonds of consanguinity or affinity between kings. The long preambles describe the power of fraternal love which allegedly suppressed *inimicitarum et discordie et inquietionis*, combining at random terms such as *veram amicitia, bonam fidem, pacem sine malo ingenio*.⁶ These contrasts not only reveal preferences in style in the European chancelleries but also different notions and practices of kingship and different kinds of relationships between the king and the nobility.

⁴ Latin writers in the twelfth and thirteenth centuries use, among other terms, *amor, caritas, dilectio, affectus, intellectus, amicitia* to name the same or different aspects of a personal relationship to God, love of humankind, friendship of fellow Christians and spiritual friendship. See R. Hyatte, 'Ideals of Christian Friendships in the Twelfth and Thirteenth Centuries: *Amicitia Dei*, Fraternal Charity, and the Problem of Spiritual Friendship and Love', in *The Arts of Friendship: The Idealization of Friendship in Medieval and Early Renaissance Literature* (Leiden, 1994), 43–85, 48; J. Haseldine, *Friendship in Medieval Europe* (Stroud, 1999); P. B. McGuire, *Friendship and Community: The Monastic Experience, 350–1250*, Cistercian Studies series (Kalamazoo, 1988); H. Legros, 'Le vocabulaire de l'amitié, son évolution sémantique au cours du XII^e siècle', *Cahiers de Civilisation Médiévale* 23 (1980), 131–9.

⁵ The term *amicitia* is one of those fascinating, enduring words with the ability to refer to rather different realities. For a study of the survival of the word from Late Antiquity to the first Fathers of the Church and with a glimpse into the Middle Ages see C. White, *Christian Friendship in the Fourth Century* (Cambridge, 1992). Recent studies of friendship in contemporary societies and in other cultures demonstrate how versatile and flexible friendship still is today as a framework to define personal networks, to provide basis for societal bonds and various commitments. See S. Bell and S. Coleman (eds.), *The Anthropology of Friendship* (Oxford, 1999), 3–9, where some contributors challenge the idea that friendship is a voluntary act between two individuals and stress the role of the family or other social corporations to pre-arrange it. They also question the phil-anthropic nature of kinship and friendship and emphasise the importance of pleasure, utility or virtue in these links.

⁶ J. González, *El reino de Castilla en la época de Alfonso VIII*, 3 vols. (Madrid, 1960), vol. II, doc 321, 536: Treaty of Nájera-Logroño (15 April 1179).

Ritual and text were not a secondary or anecdotal aspect of the *colloquium pacis*, but the expression of the uniqueness of royal power. The solemnity and unusual character of the assembly aimed to emphasise the differences between the kings and the rest of the noble lineages: two royal courts under two royal figures presented as leaders of their subjects, lords of their territories, friends of God and the Church and victors by his will. The 'extra-ordinary', even religious, character of these moments of restoration of peace and social order was confirmed by the important role of ecclesiastics and liturgical elements. This was essential since treaties were not backed by the international law and institutions that today tie the decision-making of individual nations, but by divine providence through the eyes and testimony of those who were present at the event.

Nevertheless, divine will was thoroughly assisted by human agency. Twelfth-century royal chroniclers detailed the minutiae of the positioning of both armies, the proceedings, and the meeting of the royal representatives. Twelfth-century peace documents attempted to regulate all possible eventualities, such as the names of hostages, the castles involved in the pact and their tenants' duties, ecclesiastical arbitration, timing, the legal and religious penalties, and subsequent arrangements to re-set the peace in case of disruption. These endless clauses reveal much about the slim chances that treaties had to be effective or to last for the time determined. In the twelfth century, kings could not enforce their treaties. They were not able to control a nobility whose identity, behaviour and networks did not respond to the new and narrow framework of the territory of the kingdom or the power of the kings. On the contrary, one of the main characteristics of the behaviour of the nobility in the twelfth century was a constant practice of shifting from one court to another, from the service of one king to another, keeping castles, retinues and family bonds on every possible side of the frontiers.

However, treaties tell us a different story; a story about future and hidden political developments. At first glance, twelfth-century peace assemblies seemingly gathered together irreconcilable enemies. The royal courts had opposing interests and mutual suspicions, and soon broke their agreements. Nonetheless, beneath the surface treaties show a recurrent process of 'royal collusion' in the identification of their enemies, problems and aims.

Twelfth-century treaties between kings were 'pacts among equals'. In them, kings mutually acknowledged their authority and gradually over time they managed to bind the nobility to specific and emerging political and territorial units. This happened not because of the intrinsic nature of the agreements, but thanks to a combination of wars and treaties that

eventually left sectors of the nobility unprotected against larger and more powerful political alliances around the kings. I will illustrate the process by looking at a representative selection of the chronicles and treaties of the period.

Twelfth-century chronicles

Most late eleventh-century and early twelfth-century chroniclers present a picture of themselves as witnesses of the grim conflict between kings and their magnates. Lords enjoying the title of king fought on equal terms against other magnates. They were entangled in regional politics, related by affinity with local dynasties, and they helped the families on the frontiers to rebel against their own lord, be he count, duke or king. Royal pacts were very much temporary agreements, as were those made by other lords. Castles and properties circulated from rebels to allies to rebels again, indicating a scenario in which the monarchs could not defeat their enemies and had to maintain a balance of power. The chronicles attest to the capacity of the nobility to move between regions and kingdoms and to act simultaneously in the service of hostile kings. Suger of St Denis, William of Newburgh, Ordericus Vitalis, the *Historia Compostellana* and the *Chronica Adefonsi Imperatoris* among others give good examples of how petty lords, barons, counts, dukes and kings bargained and fought in a process which could have had various different outcomes.⁷

Nevertheless, the constant making and breaking of treaties and truces and the incessant wars had the effect of enlarging the size of individual kings' alliances. With the help of the Church, kings became the centre of extensive networks and gradually curtailed the strategy of the nobility. As the century advanced, treaties ceased to be concluded among the lower nobility, then among the highest territorial princes such as the counts of Anjou, Blois and Champagne, until finally they were exclusively made between kings. The royal treaties involved large parts of the nobility without recognising them as interlocutors; other sections of the nobility had to align themselves with one or another of these large blocks.

Suger's *Vita Ludovici Grossi Regis* is the best source of evidence for the dynamic of treaties and wars that had its origin in the early part of the

⁷ Ordericus Vitalis, *Historia Ecclesiastica*, ed. A. Le Prévost, 5 vols. (Paris, 1852–5), vol. iv, 306–9; William of Newburgh, *Historia Rerum Anglicarum*, in R. Howlett (ed.), *Chronicles of the Reigns of Stephen, Henry II and Richard I*, 4 vols., Rolls Series (London, 1884–9), vol. 1; *Chronica Adefonsi Imperatoris*, ed. A. Maya Sánchez, *Crónica Hispana*, part 1, CCCM 71 (Turnhout, 1990), 109–248, *Historia Compostellana*, ed. E. Falque Rey, *Crónica Hispana*, part 1, CCCM 71 (Turnhout, 1990).

century. However, the Peace of Gisors concluded in March 1113 between the Capetian king Louis VI and the Anglo-Norman Henry I of England points towards these future developments. The Peace directly affected a group of barons (Lancelin, Count of Dammartin, Pagan of Montjay, Milo of Montlhéry) who had been operating on both sides of the disputed border of the Norman Vexin. The kings decided the future of the land of Bellême, Maine and Brittany. The following year, the Count of Bellême saw his land ravaged and his main fortress burnt by a coalition of kings.⁸ This scenario would occur again and again whenever feudal lords of different status interacted, particularly when kings were involved. However, kings did not overcome their barons in a consciously planned way. The essential developments were an unintended outcome of a long-running process of contention and competition between political forces both inside and outside the kingdoms which finally enabled the kings to emerge as centres of a new political dynamic.

Twelfth-century treaties

After the war for the English throne between Stephen of Blois-Champagne and Henry of Anjou-Normandy, and soon after the death of Stephen's oldest son Eustace, Stephen recognised the future Henry II as his heir and king. In the Treaty of Winchester, later Westminster, on 6 November 1153, Henry pledged vassalage and security to respect Stephen's life and honour. The extent of the feudal bonds between them was spelled out in three clauses that affected the nobility: all liege men of one king should be vassals of the other; all tenants-in-chief should release the castle to the heir once the king died; the kings would act together against any noble who did not accept the agreement.⁹

In other latitudes, similar examples can be identified if at a different pace and with other characteristics. In the politically fragmented Provence-Languedoc, the comital houses of Barcelona and Toulouse and the Kings of Aragón competed with a plethora of different

⁸ Suger's chronicle is an account of the struggles of the Capetian king Philip I and Louis VI with their magnates. There was no difference between the resources of the royal domain in the Île de France and those at the disposal of the lords of Anjou, Flanders, Blois, Normandy or even smaller territories. However, Suger noted that the pacts between the strongest powers, in this case the King of France and England, were at the expense of the weakest ones. His political opinion was expressed through a moral judgement: 'Although consumed by war, they [the barons] gained nothing from peace and earned fitting punishments for what they had done' (R. C. Cusimano and J. Moorhead (eds.), *The Deeds of Louis the Fat* (Washington, 1992), ch. 23, 105).

⁹ L. Delisle (ed.), *Recueil des actes de Henri II, roi d'Angleterre et duc de Normandie* (Paris, 1909-27), vol. 1, 61-2.

representatives of the regional nobility such as the Viscounts of Béziers, the Lords of Narbonne, Foix, Bearn, Pallars, Baux and Melgueil and other lay lords and bishops.¹⁰ A brilliant example of the network of fidelity and duties that bound these southern lords is the three pacts established simultaneously by Bernard Aton, Viscount of Albi, Nîmes, Béziers, Agde, Carcassonne and Razès, the most powerful lord of the area, with Roger II Count of Foix, Alfonso I King of Aragón and Ramón Berenguer III Count of Catalonia. In each case he granted his allods to each of these upper lords and received them back as a fief. The texts show that the land was given for a particular agreement with a specific lord and not as a general definition of a hierarchy of status and power.¹¹ The viscount pledged to offer help and some services to each of them for the same land, reserving the rights of his natural lord, the Count of Toulouse. Pacts in this region were always defined in personal terms following the formula: *quod si aliquis homo vel foemina fecerit tibi guerram, ego adjutor tibi et successoribus tuis*.¹²

The situation would soon change. Between 1125 and 1131, the intervention of the counts of Barcelona and the house of Toulouse polarised the alliances in the region as the kings of England and France were doing in the north. After 1159, the region would experience an enlargement in the scale of powers intervening even further. England and the Holy Roman Empire stretched their tentacles to the region with the marriages of Eleanor of Aquitaine to Henry II and Beatrice of Provence to Frederick Barbarossa. In response, the nobility of the region had to form alliances not at a comital, but at a royal and imperial level and appealed to the King of France as suzerain.¹³

¹⁰ P. Bonnassie, 'Del Ródano a Galicia: génesis y modalidades del régimen feudal', in P. Bonnassie (ed.), *Del Esclavismo al feudalismo en Europa Occidental* (Barcelona, 1993), 72–84.

¹¹ C. Devic and J. Vaissette, *Histoire générale du Languedoc*, 16 vols., vol. v (Toulouse, 1889), doc. CCCLIV, col. 823–34; R. F. Miquel (ed.), *Liber Feudorum Maior*, 2 vols. (Barcelona, 1945), vol. II, doc. 841 and 834, 324–5. The treaty with Alfonso I states: *ut sim tibi fidelis de tua vita et de tuis membris que in tuo corpus[sic] se tenent . . . et quod valeam tibi contra totos homines de sub celo excepto illo comite de Tolosa [his liege lord]*.

¹² Devic and Vaissette, *Histoire du Languedoc*, vol. v, doc. CCCCXXIX, col. 988–93.

¹³ The long-term political evolution of the region in: C. Higounet, 'Problème du Midi au temps de Philippe Auguste', in R. H. Bautier (ed.), *La France de Philippe Auguste: le temps des mutations* (Paris, 1980), 311–22; A. Graboïs, 'Une étape dans l'évolution vers la désagregation de l'état toulousain au XII^e siècle: l'intervention d'Alphonse-Jourdain à Narbonne (1134–1143)', *Annales du Midi* 76 (1966), 23–36. The attack of Henry II on Toulouse and the appeal of Count Raymond V to his lord Louis VII is a magnificent example of how the intervention of kings compelled the nobility to fall into line (Robert de Torigny, *Chronica*, in R. Howlett (ed.), *Chronicles of the Reigns of Stephen, Henry II and Richard I*, 4 vols. (London, 1884–9), vol. IV, 81–315).

In the midst of attacks and alliances, peace clauses of *confederazione et amicitia*, *pacem et ueram amicitiam*, *pax et concordia*, *bonam fidem et convenientia* were signed *contra omnes*. Who were these *omnes*? Sometimes the word meant other kings who were not included in the treaties, but usually they were lords, more specifically rebel lords and autonomous lords on the borders. Some aspects of the treaties attest to an evolution in the nature of kingship and the allocation of territories over the century.

The allotment of the territories of nobles for the future expansion of the kings was typical of the royal treaties of the second half of the twelfth century. France and England signed pacts in order to designate their entire frontier of expansion in Central and Southern France. Castile and Aragón divided al-Andalus and the kingdoms of Navarre between them on five occasions during the century.¹⁴ The *convenientiae finis* or *concordia* are splendid cases of self-acknowledgement by which kings recognised the right of other kings to expand, thereby implicitly denying the right of others to do it. The Iberian nobility was significantly affected by this dynamic that determined territories and political submission because more and more kings committed themselves to provide mutual help. In the Peace of Tudején, when Ramón Berenguer IV count-king of Aragón and Catalonia performed *hominium* to Alfonso VII for the lands of Pamplona, Valencia and Murcia he specified that the Castilian king should help him to conquer the last two territories.¹⁵ If the homage meant a vassalic subordination, the term *amicitia* still conveyed the early medieval notion of friendship as *aequalitas amicorum*, a purely personal relationship of devotion and trust between two partners.¹⁶

¹⁴ Several treaties between the kings of Castile and Aragón (Carrión 21 February 1141, Tudején 27 January 1151, Lérida May 1156, Cuenca 1177, and Cazola 1179) concerned the division of Navarre and *Hyspania* (the Muslim land). On 27 January 1151, at Tudején, Ramón Berenguer IV of Barcelona-Aragón and Sancho III of Castile divided Navarre and all the Muslim territories in a pact of *vera pax et firma convenientia ac perpetua concordia*. The ruler of Aragón would hold Valencia, Denia and Murcia, and the King of Castile the western part of the region (Miquel, *Liber Feudorum Maior*, vol.1, doc. 29, 39–42). There was also a treaty between León and Castile dividing up Portugal and al-Andalus.

¹⁵ M. Bofarull (ed.), *Colección de documentos inéditos del Archivo de la Corona de Aragón*, 42 vols. (Barcelona, 1847–1910), vol. IV, doc. XXVIII, 64.

¹⁶ G. Althoff, 'Friendship and Political Order', in J. Haseldine (ed.), *Friendship in Medieval Europe* (Stroud, 1999), 91–105. In twelfth-century treaties friendship was kept for the relationships between two kings with a clear horizontal character. Friendship ritual, the common meal and feast, was an important element in peace assemblies as well. See also: B. Paradisi, 'L'amicitia internazionale nell'alto medio evo', in *Scritti in onore di Contardo Ferrini*, 2 vols. (Milan, 1947), vol. II, 178–225; G. Althoff, 'Amicitia [friendship] as Relationships between States and People', in L. K. Little and B. H. Rosenwein (eds.), *Debating the Middle Ages: Issues and Readings* (Oxford, 1998), 191–210.

However, these equals, who showed off their mutual joy and love in the treaty, signed up to specific, reciprocal obligations. This explains why the expressions of royal friendship were usually accompanied in the documents by other, more feudal terms that defined the conditions for that relationship. We can find this multiple meaning in the early homages that the kings of Aragón and Navarre pledged to Alfonso VII, Emperor of Castile-León before 1157 or in those by Anglo-Norman kings to Capetian kings.¹⁷ In 1120, William son of Henry I performed homage to Louis VI for Normandy; in 1137, Eustace son of Stephen of Blois repeated the act; in August 1151, Henry of Anjou performed it for the first time in Paris. It is not easy to give a general interpretation of the content of those varied *hominium*, *placitum*, *sacramentale*, *convenientia* or *fidelitas* oaths pledged by these different kings. However, it seems that these early twelfth-century ties between kings were basically acknowledgements of status or concords of aid and service between two partners. They did not imply a vassalic subordination, but an agreement with loose reciprocal obligations.¹⁸

This is the only possible interpretation of the otherwise confusing mutual *hominium* oaths that the Iberian kings swore. There are examples of these same terms also in the northern regions such as the *securitas* that, in 1158, Henry II made to Louis VII: *assecurabo regi Francorum sicut domino vitam suam et membra sua et terrenum honorem suum, si mihi assecuraverit sicut homini suo vitam meam et membra mea et terras meas*.¹⁹ The feudal vocabulary disguises the strategy of recognising another king as lord in order to be recognised as king. The Treaty of Cuenca in 1177 put an end to the vassalic subordination between the Spanish kings which had existed since the late eleventh century, when Alfonso VIII of Castile recognised the right of Alfonso II of Aragón as king to hold his

¹⁷ Ramiro II of Aragón was 'adopted' by Alfonso VII, king and emperor of León-Castile, in 1136. García Ramírez of Navarre made a pledge-homage (*placitum et hominium*) in May 1135 to the same emperor. Alfonso I of Portugal also made a *placitum* to him in 1137. The three of them were new kings, ruling over poorly defined territories, and therefore with strong problems of legitimacy. Alfonso I, after dethroning his mother, claimed for the first time an autonomous Portugal; García Ramírez was elected king of a separated Navarre in 1134 against the testament of Alfonso I the Battler; Ramiro II the brother of the former king was a monk at St Peter of Tomières (A. A. Ubieto, 'Navarra-Aragón y la idea imperial de Alfonso VII de Castilla', *Estudios de Edad Media de la Corona de Aragón* 6 (1953-5), 41-82; T. Sousa Soares, 'Significado político do Tratado de Tui de 1137', *Revista Portuguesa de Historia* 2 (1943), 321-34).

¹⁸ J. F. Lemarignier, *Recherches sur l'hommage en marche et les frontières féodales* (Lille, 1945), 92-108, based his interpretation on Robert of Torigny's idea of the ties between the Anglo-Norman kings and the Capetians in 1149; J. Gillingham, *The Angevin Empire* (London, 1984).

¹⁹ Delisle, *Recueil des actes de Henri II*, vol. 1, doc. LXXXVIII, 25.

possessions and territories on his own.²⁰ Equally, at the turn of the century, Richard of England freed William I of Scotland of all pacts of subordination that he had made to Henry II.²¹ This would not be the case in France, where a royal dynasty was on the verge of expansion.

Kingship acquired an uncertain territorial dimension in the second half of the twelfth century with kings aiming to exert power over a compact geographical unit without the intrusion of others. The treaty of Cazola in March 1179 between Alfonso VIII King of Castile and Alfonso II King of Aragón for the division of Muslim land (*super divisionem terre Hispanie*) states that they hold their territory freely, solidly and absolutely without the interference of the other king (*in perpetuum possideant libere, solide et absolute, non interueniente aliqua contraria ab uno ad alterum*).²²

Mutual help and recognition between kings was mainly oriented towards the definition of another's territory and subsequently to prevent the principal strategy of the nobility: multiple services to different kings. Monarchs repeatedly promised not to support, protect or 'employ' vassals of the other king against the latter's will. In 1127, the sons of Bernard Aton inheriting the land of their father agreed among themselves what is an early example of a treaty directed towards controlling the activities of their respective vassals. Each signatory agreed to be lord and judge over their own men exclusively, without interfering in the networks of vassals of the other, but instead to help him against any rebels.²³ The model was used widely by later kings. In the treaty of Zaragoza, 1170, the kings of Castile and Aragón promised to co-operate against all Christians except the King of England and they established that they should report to each other the vassals who had lost the king's favour in order to persecute them in both kingdoms.²⁴ It is necessary to be cautious and not to ascribe to the royal courts the capacity to foresee the long-term relevance of curtailing the magnates' mobility, but the evidence suggests that this was a problem identified as crucial.

In the well-known Treaty of Falaise between Henry II King of England and William I King of Scotland in December 1174, the latter had to accept

²⁰ *statuimus et diffinimus quod uterque nostrum libere habeat et quiete possideat in perpetuum quicquid hodie tenet* (González, *El reino de Castilla*, vol. II, doc. 288, 473–4).

²¹ T. Rymer (ed.), *Foedera, Conventiones, Litterae, et cuiuscumque generis acta publica* . . . , vol. I (London, 1704), 64–5.

²² González, *El reino de Castilla*, vol. II, doc. 319, 529.

²³ Devic and Vaissette, *Histoire du Languedoc*, vol. V, doc. CCCXIV: *et quod unus non manuteneat ad alium suos homines de praedictis terris, et quod suos homines de praedictis terris habeat in directum unusquisque ad alium; si hoc habere non potuerit, quod adjuvet illum de illis*.

²⁴ *et convenimus tibi predicto comiti, quod aliquem hominem de terra tua nec retineamus nec adiuvemus in aliquo contra tuam voluntate aliquo modo per fidem, sine engan* (González, *El reino de Castilla*, vol. II, doc. 147, 250–3).

the difficult conditions imposed by Henry II. Among other clauses the King of Scotland could not give refuge to a fugitive from England *pro feloniam*. He should arrest him and return him to the King of England or his justices and bailiffs.²⁵ Equally the kings of France and England who called themselves *friends* and established co-operation against *others*, agreed in 1177 never to protect the other's enemy. They set up a high court of three ecclesiastics and three laymen to settle their differences.²⁶

The notion of territorial kingship combined with mutual help appeared in 5 April 1179 in a treaty signed between Sancho VI King of Navarre and Alfonso VIII King of Castile. They stated that if any lord of the King of Castile would attack Sancho's kingdom, he would lose all estates and fiefs granted by the King of Castile and his grace and would never recover it. Furthermore, if the king were not able to seize the castles, both kings would help to take them. A reciprocal arrangement was made by the Castilian king to protect the Navarran strip of land from Castilian raids.²⁷ Similarly, King Henry II Plantagenet and King Philip II Augustus came together at Gisors, on 28 June 1180, against the coalition of barons threatening the Capetian king. These were the four brothers of Adela of Champagne, his mother: William, Archbishop of Rheims, Henry I, Count of Champagne, Thibault V, Count of Blois, and Stephen Count of Sancerre, along with the counts of Flanders, Hainaut and Nevers, and the Duke of Burgundy. The treaty was also convenient for the Plantagenet king, who had problems with Richard in Aquitaine.²⁸ The hectic alternation of pacts, wars and truces, especially during the last quarter of the twelfth century, extended coalitions and moved the scenario of military conflict towards the south, to the central frontier of the Berry and the Limousin, eventually incorporating Aquitaine and Languedoc into the area affected by this polarisation of power between royal blocks.

At the very end of the century, the treaty of Louviers of December 1195 between Philip II of France and Richard I of England exhibits the great ambition of later twelfth-century treaties as compared with early ones. The agreement dealt with frontiers between Normandy, Turenne, Berry, Auvergne, Périgord, Angoumois and Toulouse. The treaty was a massive division of influence as were the pacts between Aragón and Castile that

²⁵ Rymer, *Foedera*, vol. I, 39.

²⁶ *volumus . . . esse amici, quod uterque nostrum alteri conservabit vitam et membra et territorium honorem suum contra omnes homines pro posse suo. Co-operation: et neuter retinebit inimicum alterius amodo in terra nostra ex quo requisitus inde fuerit (ibid. I., 50-1).*

²⁷ González, *El reino de Castilla*, vol. II, doc. 321, 532-7.

²⁸ They agreed not to support other's enemies: *et neuter nostrum amodo retinebit inimicum alterius in terra sua, ex quo inde requisitus fuerit (Delisle, Recueil des actes de Henri II, vol. II, doc. 550, 128-30).*

divided Muslim land. But it was also a treaty regulating the subordination of the major noble houses of the region.²⁹ Three clauses aimed against the practices of the nobility were included in the treaty. First, the kings agreed that if any men did not respect the territories and fiefs transferred by Richard to Philip, Richard himself would confiscate their lands. Second, if the Count of Toulouse did not join the peace, Philip II would not help him and Richard would cause him 'all possible evil'. Third, both kings promised not to interfere with the other king's fiefs and men, and never to protect the other's liege men.³⁰ The fact that the treaty was broken immediately, and war opened between Philip and Richard, compelled the lesser powers, the counts of Flanders, Boulogne, Blois and Toulouse, into a coalition against Philip II calling upon Richard to help them.³¹

The allocation of castles and the personal dependency of magnates were a central part of the royal agreements. Texts rigidly ruled who should hold a castle, from whom, for how long and even, at the end of the century, with what requirements. As early as 1158, King Henry II of England and the Capetian Louis VII arranged the wedding of their infant children Henry and Margaret. The bride would bring to the marriage the land of Gisors, Neaufles and Vexin. The definition of the frontiers was made through the allocation of castles and the tenants' fidelity to one of the kings. Despite the Kings being enemies, the consequence of the treaty was the inclusion of the regional nobility into one side or another, a process that benefited the political position of both kings.³²

²⁹ In Normandy the frontier moved back towards Paris. Richard took Gisors and released Neufmarché, Vernon, La Roche-Guyon, Pacy-sur-Ivry, Ivry and Noncourt. Auvergne fell into the area of French influence, as did Toulouse. The south-west of Berry fell into the Plantagenets' hands as Philip II surrendered Issoudun and Graçay. Royal authority over the territories would be defined through the subordination of Hugh de Gournay and Richard de Vernon (*ibid.*, vol. II, doc. 517, 52–7). Richard de Vernon handed over the castle of Vernon to Philip II in the same month (*ibid.*, vol. II, doc. 519, 58).

³⁰ *A modo non intronitemus nos de hominibus Richardi regis Anglie, neque de feodis que ad eum pertinent, nec ipse de nostris . . . Neque nos recipiemus amodo homines ligios (ibid.).*

³¹ H. Tanner, *Families, Friends and Allies: Boulogne and Politics in Northern France and England, c. 879–1160* (Leiden, 2004); M. Bur, 'Rôle et place de la Champagne dans la Royaume de France au temps de Philippe Auguste', in R. H. Bautier (ed.), *La France de Philippe Auguste* (Paris, 1982), 236–54; K. F. Werner, 'Kingdom and Principality in Twelfth-Century France', in T. Reuter (ed.), *Medieval Nobility: Studies on the Ruling Classes of France and Germany from the Sixth to the Twelfth Century* (Oxford, 1978), 243–90.

³² Henry II would have the fiefs of the Archbishop of Rouen, and the Counts of Leicester and Evreux. Jocelyn Crispin and Goelio de Beaumont would make homage to the Capetian king. Simon de Montfort, Count of Evreux should be: *reversus est in homagium regis Francie et servitium quiete in hominibus et castellis suis, et castela sua ei quieta remanebunt sicut ceteri barones Francie castella sua quieta habent* (Delisle, *Recueil des actes de Henri II*, vol. II, doc. cxli, 51–3).

Even more complications in the definition of fidelity can be found in the Iberian treaties. One king chose men born in the other king's kingdom to hold the castles of the latter. Magnates made homage (*hominium*) to both parties, agreeing to surrender their castle in case of war to whoever had obeyed the content of the charters. They would receive the castle from the foreigner king who would be their lord in that particular arrangement. Magnates were thus engaged in a double fidelity for strategic castles. That position could give them political and military advantage, and indeed lords took advantage of the existence of several kingdoms, performing alternative services to one king or another. But, on the other hand, it shows that the *potestas* over the frontier castles was definitely transferred to kings, and only in their service could the nobility obtain the legitimate tenancy of castles.

The turn of the century witnessed new developments in the meaning of feudal law and vassalic relations. The court of King Philip II of France used feudal law as a powerful tool to reinforce the rights of the king as lord over his magnates and over other kings. The vocabulary and the political practices became highly pervaded by feudal forms. The concept of friendship, which bound two or more kings in a universe of love and fraternity for some specific aims as we saw in the early treaties, was not used any longer in this region. Vertical *dominus-homo* relationships defined the political obligations of one king to another. At Bonmoulins, on 18 November 1188, Richard I pledged homage to Philip II for the territories of Normandy, Poitou, Anjou, Maine, Berry and Toulouse. On 4 July 1189, in the Treaty of Azay-le-Rideau, Henry II pledged homage for all his continental fiefs to the French king. Prince John would make homage in January 1193. The meaning of these ceremonies was no longer a loose agreement of co-operation. The Capetian king applied the feudal law to 'inter-monarchical' relations and claimed to have the supreme prerogative that lords had, the right to judge the vassal and to decide his marriage. Philip intended to make his court a tribunal of peers for territorial heads and to regulate inter-monarchical relations through it.³³ His strategy produced many examples of how he used marriage to expand his influence upon most northern principalities, as can be seen in his pact with Baldwin of Flanders (*amico et fidei nostro*,

³³ Philip's marriage policy played a central role in the expansion of his influence over most northern principalities. For example, Renaud, Count of Dammartin, was married to Ida, the heiress of the Count of Boulogne, in 1190. The king thereby broke the fidelity of the count to his lord, the Count of Flanders. Philip Count of Namur, tutor of the heiresses of Baldwin of Flanders, became liegeman of Philip and passed the guardianship of the two girls to the king, and therefore their marriage and territory.

the double tie) to whom he promised the right to be judged exclusively by his peers in his court.³⁴

Soon he would turn to rival kings. The intention was not new. Henry II, in 1174, after the rebellion of his sons in alliance with the King of Scotland, required a strict vassallic subjection from them. Henry 'the Young', Richard and Geoffrey recognised their father *sicut dominum suum* as did the barons who *in hominium et liganciam domini regis redierunt*. William I King of Scotland became liegeman of Henry II against all the men of his own land. Similarly the Scottish clergy and baronage took an oath of fidelity to the King of England.³⁵ But the background of rebellion and defeat give a very peculiar context to this subjection, because the king was not dealing with equals, but with vanquished relatives.

The increase in the use of feudal ties to shape claims and rights, rather than kinship, was so remarkable that we have a reflection on their nature and hierarchy in a letter that Pope Innocent III wrote to John of England dealing with his position in relation to the candidates for the Imperial crown of the Holy Roman Empire. The Pope defended the superior legal strength of kinship to feudal ties to argue that John could break his bonds to his lord, Philip II of France, whereas the latter could not break John's blood ties with Otto, his nephew, ties of mutual aid and respect.³⁶

In the Midi, around 1205 the houses of Barcelona and Toulouse still fought amongst themselves and split the alliances of the smaller dynasties of the castellans of Montauban, Castelsarrasin and Mauleon, the counts of Comminges, Bearn, Forcalquier, Foix and others who defied or joined their authority. However, both houses came together for the first time against an external enemy represented by Philip II, supported by Rome.³⁷ Around 1211, under the increasing pressure of this exterior

³⁴ Delisle, *Recueil des actes de Henri II*, vol. II, doc. 499, 34–5: *concessimus etiam quod nichil de jure suo intercipiemus nisi iudicio eorum qui ipsum debent judicare in curia nostra*.

³⁵ Delisle, *Recueil des actes de Henri II*, vol. II, doc. 458, 19–20; Roger de Hoveden, *Chronica*, ed. M. A. Stubbs, 2 vols. (London, 1868–9), vol. II, 67; Robert de Torigny, *Chronica*, in Howlett (ed.), *Chronicles*, vol. IV, 265. The expression for the homage of the King of Scotland was: *devenit homo ligius domini regis contra omnem hominem de Scotia, et de omnibus allies terris suis, et fidelitatem ei fecit*. The Scottish nobility, *facient ei homagium contra omnem hominem et fidelitatem ut ligio domino* (Rymer, *Foedera*, vol. I, 39).

³⁶ C. R. Cheney and W. H. Semple (eds.), *Selected Letters of Pope Innocent III concerning England (1198–1216)* (Oxford, 1953), doc. 8, 24: *rex Francorum illustris non potuerit te absolvere a debito quo teneris inclito regi Ottoni nepoti tuo*.

³⁷ Raymond VI married Peter II's sister, Leonor, in 1203; his son Raymond VII was promised to the new-born daughter of María de Montpellier, wife of Peter II. The Aragonese king succeeded in marrying the sister of the Count of Provence, Constance, with Frederick II, the papal candidate for the Holy Roman Empire. On 11 November 1204, the king put his kingdom under the power of Rome with the commitment to fight the Albigensians (D. Mansilla (ed.), *La documentación pontificia hasta Inocencio III (926–1216)* (Rome, 1955), doc. 359 and 382, 381–2 and 398–9).

threat, the entire region from Cahors to the Pyrenees polarised behind Peter II, King of Aragón.

The turn of the century saw clear examples of the alignment of the different powers in Western Europe. The convergence of problems, powers and geographies is well represented in the two parallel conflicts that took place in southern and northern France in the early thirteenth century. First, the wars against the Albigensians that ended up with the defeat of the Catalan troops of Peter II in the battle of Muret on 11 September 1213. The Iberian Peninsula would look south thereafter. Second, the battle of Bouvines on 27 July 1214 made France the main power in Western Europe. Most Western European powers were involved one way or another.

The case of northern Italy

Northern Italy has been left out from the general characterisation of twelfth-century treaties, although it can be analysed along some similar lines. However, the peculiarities of the region and the complex political scenario in terms of the collusion of upper and lower powers require a specific treatment beyond the scope of this chapter. Italy provided the battleground for the struggle of the strongest powers of the Middle Ages, the Papacy and the Holy Roman Empire, two powers with utterly different natures. The former was a centralised structure of government without a clear territory that aimed to exist within every kingdom or political unit; the latter was a territory without a centralised and hereditary government.

There was no possibility of either a hierarchical arrangement between them, or a co-operation against other entities of the sort that we have seen for the feudal monarchies. From below, the rivalries between local aristocratic families, the powerful role of bishops in urban life and the double conflict for power inside and outside each commune for the control of the town and the *contado* seem not to have favoured any political adjustment in the region.³⁸ The unintended consequence of the constant warfare and lack of collaboration promoted the development of the opposite process to that which we have observed in other regions: the consolidation of local organisations from below.

³⁸ G. Tabacco, *The Struggle for Power in Medieval Italy* (Cambridge, 1989); G. Fasoli, *Città e sovrani fra il X e il XII secolo* (Bologna, 1963); T. Dean, *The Towns of Italy in the Later Middle Ages* (Manchester, 2000); J. K. Hyde, *Society and Politics in Medieval Italy* (London, 1973); I. S. Robinson, *The Papacy, 1073–1198: Continuity and Innovation* (Cambridge, 1990).

The Italian city-states became the main political actors in the 'inter-monarchical' scenario. They were the protagonists in the building of larger political units, on a modest scale, but comparable in institutional sophistication to the development of the royal courts. Their astonishing innovation was the organisation of leagues. The notion of a league, a macro-organisation, was not new. It was the full and final development of the medieval theory of the corporation and the association, an idea that would be at the root of any institutional developments in medieval government. Clauses, rules, procedures and rituals for enrolment, elections, settlement of disputes and the appointment of officers left behind the old forms of personal relations and gave birth to impersonal entities.³⁹

The Italian experience runs contrary to what was happening in the rest of Europe. While the Papacy and the Empire did not find any common language, any way of co-operation, the Italian towns were able to identify their peers, as kings did. Like collective lords over a territory, like monarchs, they underwent a similar process of war and peace between them to consolidate their territory and to exclude 'others' from it. In their case, they attempted to exclude from above emperors and popes, and from below villages of the *contado*. Without doubt, the Holy Roman Empire and the Papacy contributed to the formation of these leagues and to the expansion of the jurisdiction of the towns over their territories. Nevertheless, it is also true that both powers identified these forms of association as potentially dangerous for their authority. The Emperor Frederick I was fully aware of the importance of keeping a higher jurisdiction over their disputes and of interfering in the formation of leagues and alliances, that is, in their peacemaking processes.⁴⁰ As we have seen, political co-operation was the basis for autonomy between kingdoms and could be the same for the communes. When Frederick I compelled Cremona to join its main enemies, Bergamo, Brescia, Mantua, Parma and Piacenza, he was seeking a superior position as arbiter among them.⁴¹

³⁹ O. Hintze, *The Historical Essays of Otto Hintze*, ed. F. Gilbert (Oxford, 1975), 314–17; Otto Gierke, *Political Theories of the Middle Ages*, trans. F. W. Maitland (Bristol, 1996), 61–7; W. Ullmann, *A History of Political Thought: The Middle Ages* (London, 1965); P. Prodi, *The Papal Prince, One Body and Two Souls: The Papal Monarchy in Early Modern Europe* (Cambridge, 1987); S. Reynolds, *Kingdoms and Communities*, 2nd edn (Oxford, 1997), see introduction.

⁴⁰ The second diet of Roncaglia made leagues illegal: *conventicula quoque et omnes con-iurationes in civitatibus et extra, etiam occasione parentela, inter civitatem et civitatem et inter personam et personam sive inter civitatem et personam omnibus modis fieri prohibemus*. Appelt (ed.), *Monumenta Germaniae Historica, Diplomata Regum et Imperatorum Germaniae* (Hanover, 1979), vol. x, part 2, docs 237–41, 27–32.

⁴¹ *Ibid.*, doc. 369, 228.

The *Societas Lombardiae* was a sophisticated association beyond any other form of organisation previously known in terms of rules and settlement of future problems.⁴² The League joined together different towns, but on equal terms, with equal contribution, and shared aims. The security was based on various grounds. There were general and regular oaths of loyalty taken to the federation. Rectors were elected by each town. They acted as representatives who stood at a general council for only a year. Meetings were regularly held in a different town each year. And above all, the communes set up their own court to settle disputes and appeals. The similarities between the clauses of the treaties signed among the communes as equals and those of the treaties between monarchies are not coincidental.

The idea of a universal empire was defeated in Europe at the same time that Italian communes and western kingdoms emerged in the twelfth century. Between the schism of 1159 and the Treaty of Venice of 1179, those once belittled as *reguli* found a strong and autonomous political space in Western Europe.⁴³ In order for kings to become equals, and not only among themselves but also to the Holy Roman Emperor, all the developments in legal and political thought of the century that took place mainly in Italy and in the bitter struggle between the Empire and the Papacy had to happen. The Europe of kings and cities, of kingdoms with a nobility limited behind their boundaries, was starting. It would not take long for each 'national' nobility to react to this new state of affairs, but lords would have to play in a new arena, the royal courts.

Conclusions

This chapter has aimed to show how the tendency towards centralisation in twelfth-century feudal monarchies came about. Treaties can help us to understand what happened in a century that started with a papal schism and German emperors mediating between popes and finished with an imperial double election and the Capetian king claiming to arbitrate between the Pope and the Emperor. Two main arguments have been put forward in this chapter. First, that treaties and truces between

⁴² The creation of the *Societas Lombardiae*, a confederation of sixteen towns with later additions shows this capacity (G. Fasoli, 'Aspirazioni cittadine e volontà imperiale', in R. Manselli and J. Riedmann (eds.), *Federico Barbarossa nel dibattito storiografico in Italia e in Germania* (Bologna, 1982), 131–56).

⁴³ To borrow the word Frederick I used to name the kings of France, England, Castile and Aragón when he called them for a general meeting at Pavia in 1162. For the images of the kings in the twelfth century see E. H. Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton, 1957), 99–102.

kings were tools to define political equality between kings and to subordinate the nobility to political and territorial frameworks. Second, that this was possible thanks to a combination of wars and peace agreements between kings that ruled out the nobility as single enemies and required the lords to join larger and more powerful blocks.

The outcome of this was the consolidation of political and territorial structures, moving military conflict to the borders, strengthening royal power and realigning the smaller powers. Most elements of the ruling groups became entangled in peace treaties. Chancellors, officials and other royal servants issued the documents and made pacts possible. Ecclesiastics mediated the agreement, acted as hostages and guarantors, and developed various ideologies to support kingship. Lords held the castles as pledges, and they or their sons might well be hostages. They all witnessed documents. Such participation might certainly increase their immediate power, but in the long run it worked against them.

Kings promised to act at once and fight whoever rebelled against them, their treaties, or their castles; they refused shelter to other monarchs' enemies in their territories; they promised not to take castles of the other party and to make their royal courts be respected. These clauses directly confronted the nobility's practice of passing from one kingdom to another, from one king's service to another's, and made any rebellion much more difficult. It would, however, be a mistake to think of the results of such processes in simple terms of winners and losers: politics is not a 'zero-sum-game'. In the long run, political bargaining did not become the exclusive business of kings, but it certainly became a business to be made at the royal court.

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